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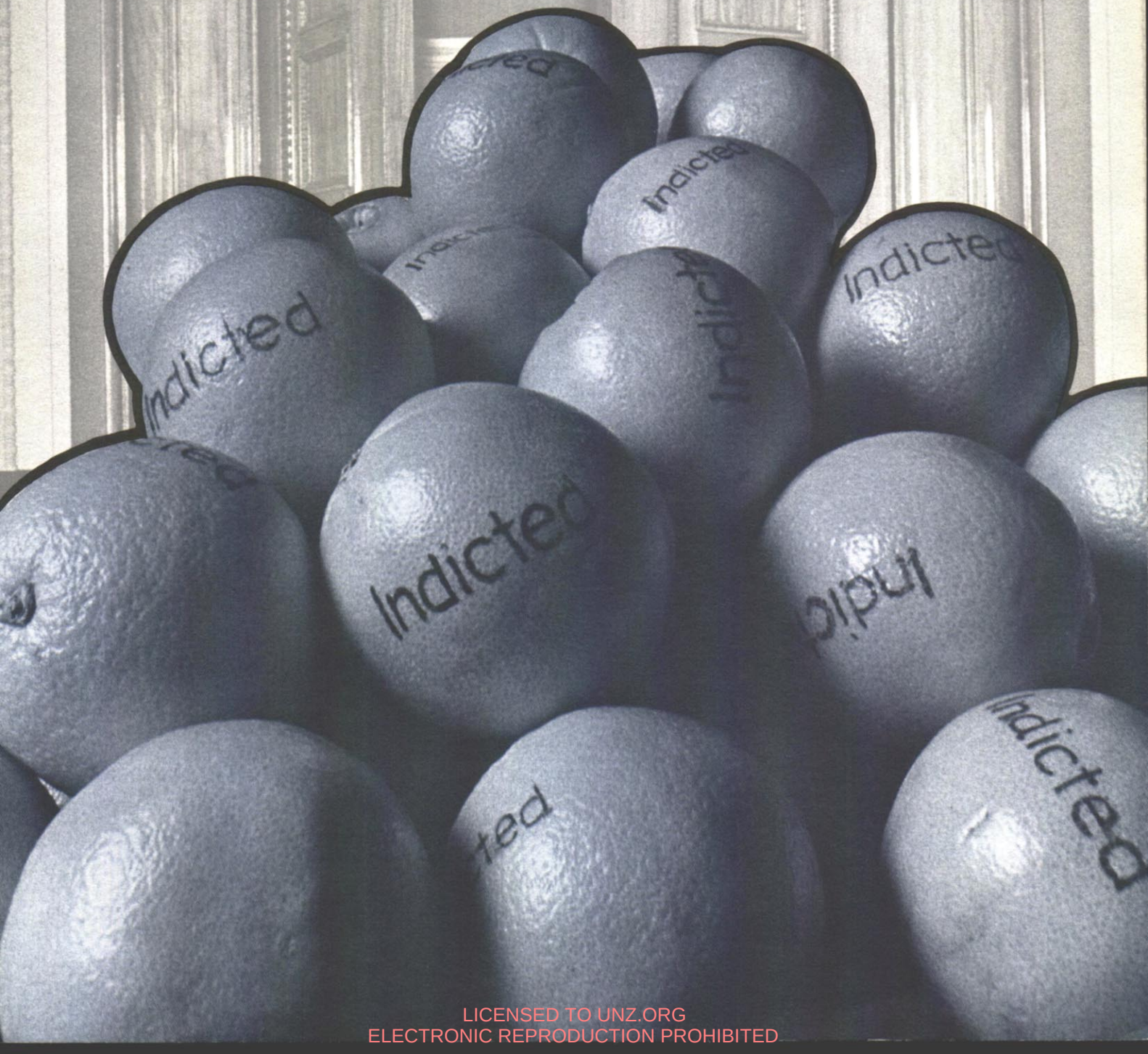
California Journal

THE MONTHLY ANALYSIS OF STATE GOVERNMENT AND POLITICS

43 Indicted

WHY ORANGE COUNTY BREEDS POLITICAL SCANDAL



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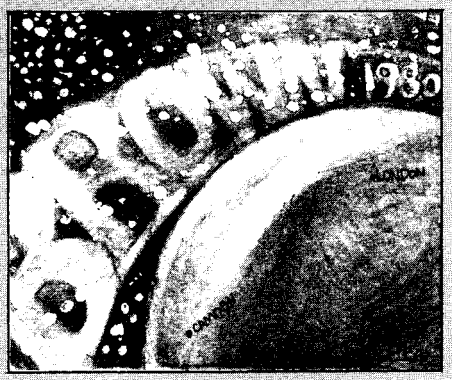
Personal

PERSPECTIVE

By Ed Salzman



Faraway places

Why has Governor Brown been spending so much time in jet planes this year, campaigning for Democrats in New Jersey, meeting with Jewish leaders in New York and assessing the energy situation in Canada? Any schoolkid ought to be able to answer that question: He's running hard for president, just as Ronald Reagan did for eight years before him.

Wouldn't it be fascinating for California to have a governor, just once, who isn't running for president?

There's absolutely nothing wrong with anyone running for the highest office in the land. For a politician to do otherwise would be unpatriotic, contrary to the dream of every American child. But there's no question that virtually all California governors of the last few decades have had one eye on presidential politics while arranging their schedules and deciding affairs of state. At present, Brown is working hard at positioning himself for a prospective battle with Jimmy Carter for the 1980 Democratic nomination. It seems to have an even higher priority rating these days than Brown's reelection campaign next year.

Californians have come to expect their governors to run for president, and the polls indicate that the citizens find little wrong with it. It certainly never hurt the popularity of Earl Warren or Ronald Reagan. It is considered a matter of state pride if one of its citizens is the nominee of a national party, and California would stand to gain should a Brown or a Reagan capture the White House.

For the past 11 years, and even for a time during the Pat Brown Administration, the citizens of California have never enjoyed a full-time governor. They have had a part-time governor and a part-time presidential candidate. Is it possible that the governor's job is less than full-time work, or is it possible that some of the governor's duties have been allowed to slide while presidential politics received prior consideration?

Californians might be able to find the answer to these questions if some day, by accident or intent, the public elected a governor who could not serve as president. At the moment, there are two major political figures in the state who would qualify, Lieutenant Governor Mervyn Dymally and Assembly Speaker Leo McCarthy. Both were born out of the country (Dymally in the West Indies and McCarthy in New Zealand) and thus they are unable to serve as president under the United States Constitution.

Of course, if a politician ineligible for president served as governor, he or she would probably be angling for an eventual election to the United States Senate. But at least they would be appealing to California voters, and there would be no political need for a great deal of time to be spent in romantic places like Camden, New Jersey.

California Journal

THE MONTHLY ANALYSIS
OF STATE GOVERNMENT AND POLITICS

Volume viii, Number 12 December 1977

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CALIFORNIA JOURNAL is a non-ideological analysis of California government and politics published monthly by the California Center for Research and Education in Government, a non-profit, tax-exempt corporation. Publication is assisted by grants from the Columbia Foundation, Ford Foundation, Levi Strauss Foundation, Natomas Company, Stella B. Gross Charitable Trust, and Wright Charitable Trust.

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Subscription rates: Libraries and Governmental Agencies, $30; Corporations and Associations, $50; Special Individual Rate, $15.

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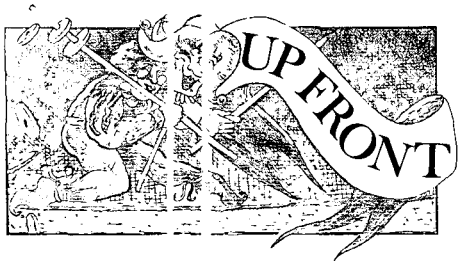

Conservatives in the judiciary are grumbling that a recent state Supreme Court decision *(People* v. *Gainer)* on jury instructions may open the floodgates and invalidate some 200 convictions. The rule expounded in *Gainer* prevents trial judges from putting great pressure on jurors to reach verdicts and it applies to all cases in the pipeline at the time of the decision. Thus, it could result in new trials in some of the Manson and Symbionese-Liberation-Army cases, according to the critics.

Attention, Ralph Nader: The general public may not know it, but state employees get special discounts on hotel accommodations. But the "state rate" is peanuts compared to what airline employees enjoy. At one large hotel at the San Francisco International Airport, would you believe that the airline rate is $14.50 a night?

As though the state Fair Political Practices Commission doesn't have enough headaches, it has a complaint from political activist Joe Lubin of Los Angeles that he and others are being overcharged 15 cents by the city of Los Angeles for copies of campaign-finance statements.

Bill Stall, former press secretary to Jerry Brown, is taking over as assistant metropolitan editor of the *Los Angeles Times,* with jurisdiction over political coverage.

The German magazine *Der Spiegel* ran a long piece ridiculing the estimate by Los Angeles Police Chief Ed Davis that security could be provided at the 1984 Olympics with 700 officers. The magazine referred to Davis as a "sheriff" — not out of ignorance but in an effort to liken him to a television gunslinger.

The Education Establishment is talking up Superintendent of Schools Ruth Love of Oakland as a potential successor to state Superintendent of Public Instruction Wilson Riles five years hence.

Finally, let's shed a tear for the demise of one of the most attractive magazines in the state, *Pacific Business,* which was folded for economic reasons last month by the California Chamber of Commerce. In 1922, when the magazine was founded, it was called the *California Journal.*

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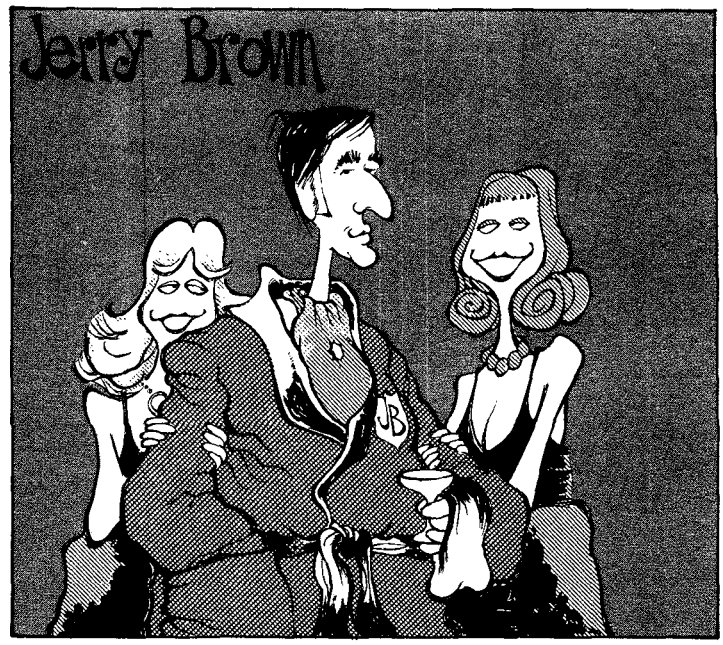
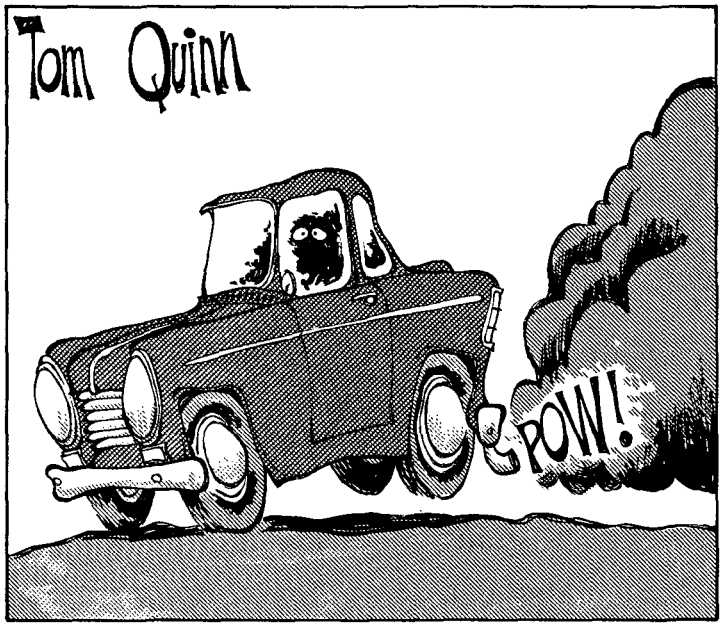
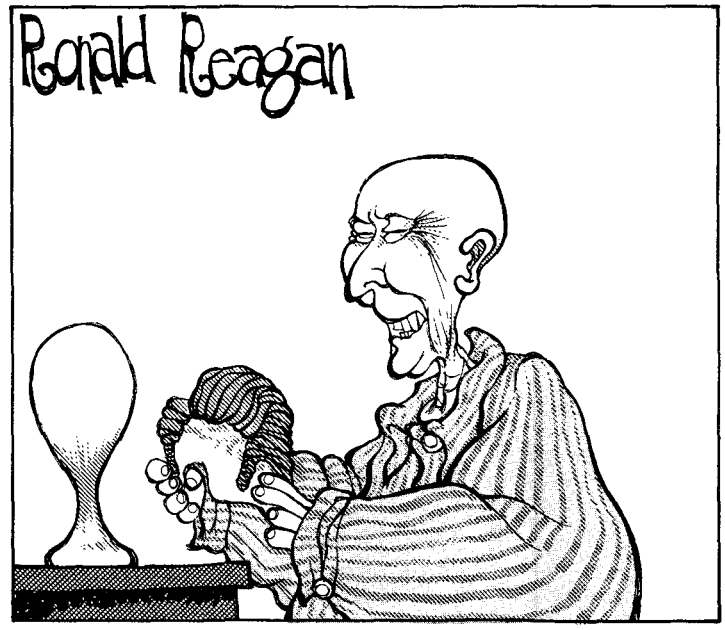
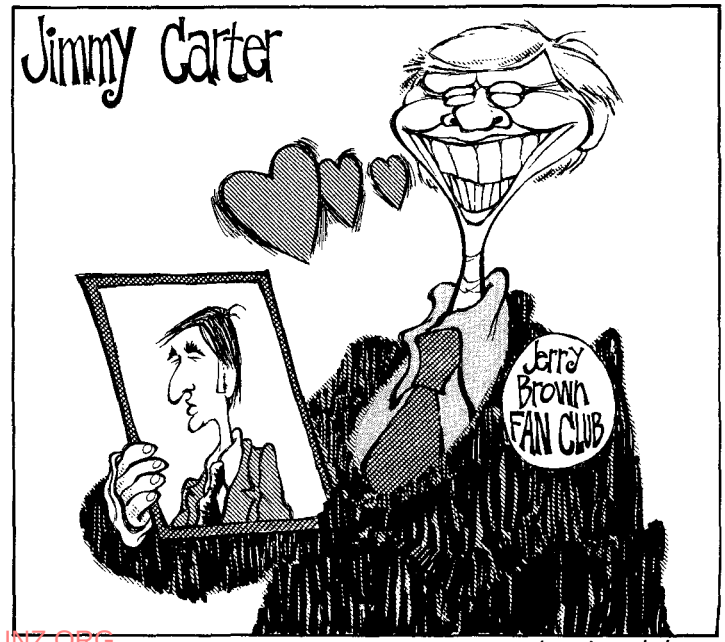
EVER WONDER WHAT SECRETS SOME OF OUR PUBLIC FIGURES HIDE? WELL STOP WONDERING, AS WE EXPOSE

CALIFORNIA behind closed doors









by Lee Judge

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43 Orange County indictments, but who cares?

By Bud Lembke

The American dream of finding a nice little place to live in the suburbs — free from the central-city woes of political corruption, traffic congestion and uncaring bureaucracy — appears to have come a cropper in Orange County.

The experience in this burgeoning satellite of Los Angeles seems to prove that a tract house, even when built with cathedral ceilings, split levels and wood-burning fireplaces, does not a home make.

If Orange County is any standard, suburbia produces wall-to-wall apathy in the political process, along with the same old traffic tieups and crowding. And county government seems as remote to the daily lives of its citizens as if it were on another planet.

Forty-three persons on the Orange County political scene, including two congressmen, three supervisors and the county assessor, have been indicted on various charges in the last three years. Yet a USC football defeat by Cal evokes more interest, and more outrage.

"It's a staggering number," said Charles Bell, a political science professor at California State University, Fullerton, and an expert on California political history. "I cannot think of a comparable situation when so many officeholders were indicted in such a short time."

Many of the charges involve violations of the Proposition 9 (Political Reform Act of 1974) rules. In this category were the indictments last July 1st of Supervisors Ralph Diedrich and Philip Anthony on charges of perjury and conspiring to launder campaign funds.

Commented John Keplinger, spokesman for the California Fair Political Practices Commission: "There's not another county that I can think of that has had as many Proposition 9 violations as Orange County."

Supervisor Diedrich offers one explanation for all the indictments: He has consistently maintained that, at least in his own case, the cause is merely a vendetta waged against him by District Attorney Cecil Hicks. The two have feuded for years.

"Obviously, the district attorney's office in this county is spending a major portion of its time and the office resources to be sure that the election laws are obeyed," said Diedrich. "Maybe it's more convenient to talk about other politicians than to have them talking about you. The district attorney has got feet of clay. He hasn't done everything totally legal. The best defense is a strong offense."

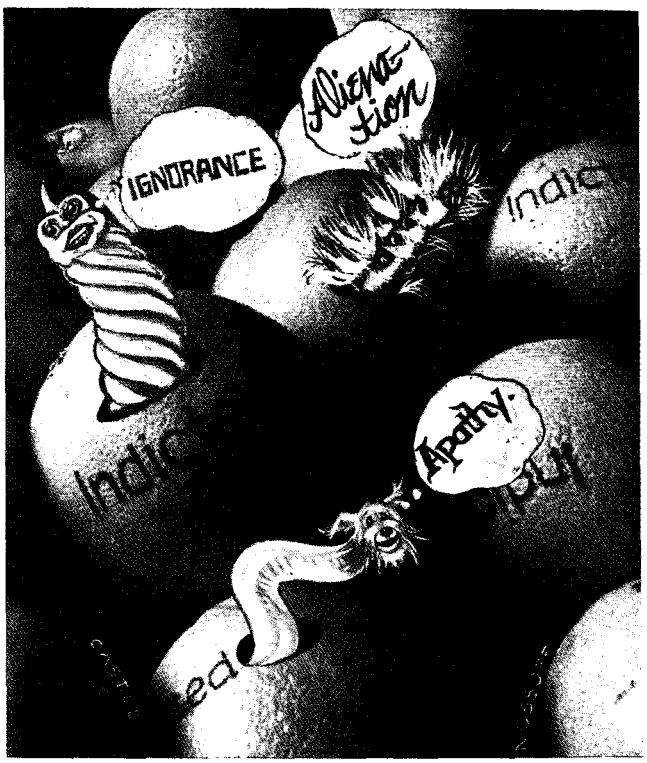
Hicks denies that he is engaged in a pattern of persecution, rather than prosecution. "Any matter we have investigated has been reported to us or to the grand jury by people outside of this office," says Hicks. "We have merely pursued investigations against public officials in the customary way."

Political scientist Bell acknowledges that one of the causes of Orange County's rash of indictments may be aggressiveness on Hicks' part. But he hastens to add that there are some other important explanations related to growth and a change in political campaign techniques.

The demographic story

What has happened to staid old Orange County, known far and wide for its conservatism? Goldwater Country it might have been, and even John Birch Country — but no one ever said its politics were at the gutter level of Chicago or New York.

Commenting in *Forum Fifty*, a public television magazine, Dr. Richard N. Baisden, dean of the UC-Irvine Extension Program, put it this way: "This would add up to a scandal of major dimensions, even in an Eastern metropolitan area where corruption is a normal feature of the political landscape. However, this state of affairs would have been considered unthinkable in the Orange County of a few years



Bud Lembke is an Orange County political writer for The Los Angeles Times *and a frequent contributor to the* Journal.

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ago, where 'kooky but clean' was considered the norm."

What happened was that the county grew fast and furiously, more than doubling in population between 1960 and the present, from 703,000 to 1.8 million today. The county led the state in residential building permits last year, with 30,511, slightly ahead of Los Angeles and San Diego counties. At the same time the turnout for elections has been dropping. It was 90 percent for presidential elections in 1960 and 1964 but slid to 87 percent in 1968, and 85 percent in 1972 and to 82 percent last year. Even more significant is the meager turnout for local elections: Only 19.2 percent of the voters went to the polls in Santa Ana last March for a hotly contested school board election. And in April, the turnout for a city council election was only 12.7 percent — so puny that outgoing Mayor John Garthe called it "almost a disgrace."

Is this the kind of civic responsibility that can be expected in the nation's megalopolises? Is this what will happen when the area from Santa Barbara to San Diego becomes packed solid with people? And affluent, educated people at that?

The 1970 census showed that the Orange County educational level is relatively high. The median school year completed was 12.7 for males and 12.5 for females, higher than the medians in San Francisco, Los Angeles and San Diego. The county had a per capita income of $7,546 last year, ranking behind the Bay Area ($8,500) but ahead of San Diego ($6,438) and Santa Barbara-Santa Maria-Lompoc ($7,042).

Orange County is the second largest in population in the state, behind Los Angeles. It is 19th in size among the nation's metropolitan areas. But in the process of growing that big, drastic change has occurred, both visually and internally. Physically, Orange County used to be a region of attractive little communities — Fullerton, Anaheim, Santa Ana, Newport Beach and Huntington Beach. Today it has burgeoned into a scarcely distinguishable succession of sprawling tracts. And as the orange groves, bean fields and strawberry patches were replaced by streets and gutters, driveways and houses, political degeneration set in.

Search for identity

The gem-like cities were obliterated. Anaheim grew to 200,000 population and became the largest city in the county, passing Santa Ana, the county seat (present population 175,000). While exploding with growth, Orange County became 26 cities in search of an identity. Downtown Santa Ana deteriorated, its stores unable to compete with outlying shopping centers. The county lost its focal point. Its two most prominent features today are probably the ersatz Matterhorn at Disneyland and Anaheim Stadium, where the Angels play, but neither quite fills the bill as a rallying point for suburbia.

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As a metropolitan area, Orange County is something of a man-child. Though 19th in population nationally, it in no way competes as a "community" with metropolises lower on the list, such as Miami, Milwaukee, Seattle, Denver, Cincinnati, Buffalo and Kansas City. What it amounts to is an adjunct of Los Angeles, one in which people do not seem to care particularly about their local government. Part of it may not be their fault. It is hard to identify with a community that has no nucleus, no distinguishable boundaries and no chief executive like other metropolitan areas.

The media gap

Media fragmentation compounds the identity problem. Unless there is a shocking crime to cover, like the killings at the California State University-Fullerton library, commercial television news teams in Hollywood seldom venture into Orange County. The county has no commercial television of its own, only four full-time radio reporters and a struggling public television station, KOCE-Channel 50.

The newspapers in Orange County are also fragmented in their circulation. The *Santa Ana Register* (circulation, 218,000 daily, 247,000 Sunday) and the Orange County edition of *The Los Angeles Times* (circulation 171,000 daily, 204,000 Sunday) compete for dominance, followed by smaller dailies in Costa Mesa, Anaheim, Fullerton, La Habra and San Clemente. Counting overlap of circulation among the various dailies, which have a total circulation of 500,000, apparently only about two-thirds of the 640,000 households in the county take a daily paper.

All this is by way of trying to explain the apparent disinterest of residents toward the epidemic of indictments which has befallen Orange County politicians. Apathy was the principal finding in a recent survey of the situation by *The Los Angeles Times*.

Of 100 persons interviewed at random at shopping centers throughout the county, 49 said they had never heard of the indictments, notwithstanding constant headlines and long stories which *The Times* and other newspapers ran on the subject for many months. Another 31 of the 100 persons said they knew there were some indictments, but didn't know there were as many as 43. Only 20 said they knew all about the indictments.

The possibility that newcomers hadn't yet put down roots is understandable, but many of those interviewed had been around for years. Busily trading up in a volatile real estate market (homeowners in the rapidly growing south end of the county move every three years, on the average), residents are occupied with their boat, their recreational vehicle and their children. They are "too busy" to bother with learning the name of their supervisor. They aren't particularly interested in whether development on the remaining ranches should be allowed to boost the population in the south part of the county to more than 1 million by 1995, or be held to a minimum growth of 700,000.

In addition to being questioned about the indictments, participants in *The Times* survey were asked two other questions: Why have there been so many indictments, compared to the rest of the state? And what can be done about it?

Thirty-seven of the 100 said they didn't (as one woman expressed it) "have the foggiest idea" of the cause. Another seven related it to the apathy turned up in the survey. These said Orange County politicians can "get away with more" because residents lack interest in their local officials, don't know what their duties are — and often don't care.

Those unaware of the indictments often explained guiltily, or curtly, or even rather proudly, that they found politics boring and way down their list of priorities. Others were cynical, saying they were not surprised to learn of the in-

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The accusation scorecard

The 43 indictments on the Orange County political scene:

December 10th, 1974 — Nine former Orange County assessor's office employees indicted for illegally working on former Assessor (later Congressman) Andrew Hinshaw's 1972 campaign for Congress. The nine pleaded guilty or were convicted.

December 19th, 1974 — Eight workers in the campaign of Democratic Representative Jerry Patterson of Santa Ana indicted on charges of false voter registration. They either pleaded guilty or no contest to misdemeanor charges.

April 22nd, 1975 — Nine workers for the 1974 campaign of Democratic Assemblyman Richard Robinson of Santa Ana indicted on charges of false voter registration. All pleaded guilty to misdemeanor charges.

May 8th, 1975 — Republican Representative Hinshaw of Newport Beach and Orange County Assessor Jack Vallerga indicted on charges ranging from bribery and grand theft to conspiracy and misappropriation of public funds. Both were tried and convicted, Hinshaw on bribery and conspiracy and Vallerga on grand theft, conflict of interest and misappropriation of funds. Vallerga was removed from office and served a brief work furlough sentence at Oxnard.

August 13th, 1975 — Supervisor Robert Battin indicted by a county grand jury on charges of illegally using his county staff to seek the 1974 Democratic nomination for lieutenant governor. Battin was convicted and removed from office.

October 23rd, 1975 — Fullerton Planning Commissioner LeRoy Rose was indicted by a county grand jury on charges of bribery involving a housing project in a redevelopment area. He was eventually acquitted.

January 12th, 1976 — Dr. Louis J. Cella, Santa Ana physician, hospital owner and champion contributor to political campaigns, and three associates were indicted on state and federal charges of tax evasion, Medicare fraud, theft and conspiracy. Cella and two others were convicted in federal court; one associate pleaded guilty. In the state case, two associates pleaded guilty; Cella and another associate went to trial in Los Angeles last fall; their cases are still pending.

June 2nd, 1976 — Architect Leon Hyzen was indicted on charges of trying to bribe a member of the board of supervisors. He was convicted, fined and placed on probation.

April 5th, 1977 — Loran Norton, unsuccessful Republican candidate for the state Senate in 1976, indicted on perjury charges involving contributions to his campaign. He is awaiting trial.

July 1st, 1977 — Supervisor Ralph Diedrich, Philip Anthony and four other men were indicted by the county grand jury on charges of perjury and conspiring to launder campaign funds, principally in Anthony's 1976 campaign. Diedrich, Anthony and two of the other men are awaiting trial; two others pleaded guilty, one of them after plea-bargaining involving his agreement to testify for the prosecution.

October 14th, 1977 — Former Democratic Representative Richard T. Hanna of Garden Grove was indicted in Washington on charges of bribery, mail fraud and failure to register as a foreign agent in connection with the investigation of South Korean influence-buying in Congress.

dictments from the interviewer because it is well known that politics is a dirty business. Eight among the 100 agreed with Supervisor Diedrich that Orange County stands out as the Sodom and Gomorrah of the California political world only because of a preoccupation with prosecution by the district attorney. But 13 said the unusually large number is related to greed, money and "officials in Orange County having a price."

Thirteen said the cause is a general decline of morals, six dismissed it by saying "Orange County is no worse than anywhere else" and five attributed it to the caliber of officials elected. Only three attributed it to the mobility of the population and the same number thought it was because Orange County's population has increased too much and too fast.

The political pros

Among students of politics, however, those two factors — mobility and growth — are given a lot of weight in trying to explain why so many politicians are running afoul of the law. UC-Irvine Dean Baisden, who is also a political scientist, notes that the role of "home-grown professional campaign consultants" in Orange County has greatly expanded. He said they quickly adapted their skills to sway "a rapidly growing, mobile, rootless and politically uninvolved electorate; communities without a stable or even an identifiable power structure."

The most successful home-grown campaign managers are William Butcher and Arnold Forde. Instead of featuring volunteers stuffing envelopes, the campaigns they manage are heavy on computerized mailings in which the letters are personalized to tell the recipient what he wants to hear, based on his party registration or predominant sentiment gleaned from a poll. Another trademark of a Butcher-Forde campaign is the use of telephone banks manned by paid callers who are skilled in telling the listener what he wants to hear.

A report on political reform was completed in October by the Orange County Citizens Direction Finding Commission after 14 months of study. The commission is headed by Joan Riddle, and its 19 members, including Baisden, are appointed by the board of supervisors and the League of California Cities. Major recommendations for reform were made by the commission, which said in its report:

"Orange County currently possesses a unique combination of circumstances which seems to have encouraged an unusual number and variety of political abuses. These abuses have warped normal electoral conduct to the extent of actually subverting the objectives of democratic government."

Those unique circumstances are seen by the commission as: the influence of people in the "growth industry," who contribute well over half of the money for supervisorial campaigns; the availability of land for development in an urban area where the demand for housing is so high that new houses sell for an average of $104,000; skyrocketing cam-

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paign costs; a win-at-any-cost ethic, and the fragmented media coverage.

The low state of ethics in politics was also examined by the county grand jury, which concluded last July: "Not enough people realize that the decisions reached by the board of supervisors affect the quality of their lives so strongly. The citizens seem more attuned to affairs of the nation, the state and the city, not quite understanding the county's role in such matters as land use, flood control, traffic congestion, water availability, air and water quality, noise regulation, transportation, health, criminal prosecution and detention, recreation and public safety."

That babe-in-the-woods quality also turned up in *The Times* survey of residents, along with guilt and perplexity over what the fuss is all about.

"Politics is not one of my topics of interest," explained a woman in Dana Point Plaza.

"I didn't know there were that many indictments," confessed a man in downtown Santa Ana. "I thought Orange County was a quiet little place."

In downtown Laguna Beach, Linda Braun observed that Orange County seems to have a tendency to transform alertness to yawns in government-watching. "People have to become more involved in goverment, and I don't know what can be done about apathy," said Braun. "I know myself that when we lived in Berkeley and my husband was going to law school, we were more involved. When we got down here, we lost touch. There's more apathy in Orange County. I don't know why."

Who's in charge?

Political scientist Bell theorizes that the loss of the small-town "establishment" was detrimental to maintaining political integrity. "Old-line, established families had run the small cities that used to exist," says Bell. "The new voters were not tied in with that old-line elite — the people in the service clubs, local newspapers, the chamber of commerce and the city council. Those entities had run things before 1960, but the style of politics has changed from being community-based to being managed by people skilled in campaign fund-raising and professional strategy. People came in who look at politics in a more manipulative way."

Howard Adler, who was an aide to recently indicted former Orange County Congressman Richard T. Hanna and is now a manager of campaigns, contends that power vacuums develop in rapidly growing suburban areas. "Who's in charge in Orange County, the second most-populous county in California?" Adler asks. "In LA, Tom Bradley's in charge. In San Francisco, it's George Moscone. But no one is in charge in Orange County. It means the guy behind the scenes can play a more powerful role. Orange County is the only major area with this diffusion of authority. You can control the machinery, but you don't have to be up front about it."

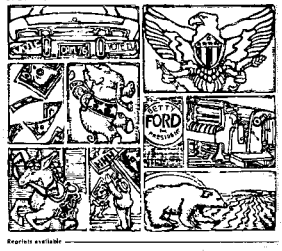
What can be done to remedy the situation? Dr. Melvin Bernstein, a vice-chancellor at UC-Irvine and a student of politics, believes the new establishment must abandon its aloofness from local government. "We need leadership from the various professions," he says. "The leaders have to realize Orange County's status as one of the most corrupt places in the country. In the rural days, enduring values of patriotism were so emphasized. It was supposed to be a bastion of the old-fashioned American values. Now there has been a dramatic turnabout, and there has been an abrogation of responsibility to do something about it. The leaders of law, medicine, business and government should be doing something. They tell me they are, but I don't see it. They have to mobilize for clean government."

Reform measures have recently been proposed, but the kingpins of business, finance and the law have been conspicuous by their silence. Rather, it was two citizens' groups that stepped forward. The Citizens Direction Finding Commission made extensive recommendations to the board of supervisors, including formation of a fair political practices commission. This followed on the heels of the announcement by another group, fancifully calling itself TINCUP (for Time is Now, Clean Up Politics), that it will launch an initiative campaign. The proposed initiative ordinance would prohibit a member of the board of supervisors from voting on matters affecting any individual or firm contributing more than $1,000 to his campaign over a four-year period. It would also limit gifts by county lobbyists (called influence brokers in the proposed ordinance) to supervisors or candidates for supervisor to $500 in one year.

Shirley L. Grindle of Orange, who resigned from the County Planning Commission in December 1976 because of dissatisfaction with the board's votes affecting land developers, spearheaded formation of the initiative study group. The county grand jury also has recommended a clampdown on lobbyists, enactment of tougher conflict of interest laws and automatic disqualification of an elected county official from voting on an issue affecting an individual or organization giving $250 or more to his campaign over four years.

Despite such reform efforts, the supervisors have tried to adopt a go-slow policy on housecleaning. They first decided to appoint yet another study group, a "blue-ribbon committee," to sift the various proposals. The plan was scrapped when the Citizens Direction Finding Commission and the Grindle initiative group refused to be represented on the new committee. The League of Women Voters also was unenthusiastic about the idea. Instead, the supervisors in early November directed the county counsel to come up in 45 days with a kind of multipurpose ordinance incorporating elements of the various reform proposals.

The supervisors are feeling the pressure for reform, but it is counteracted somewhat by the lassitude which seems to afflict the electorate in matters involving local government. There are those who believe that passing more laws is only a cosmetic remedy. They claim the ailment relates to a decline in public morals generally and to a preoccupation in the suburbs with creature comforts, to the detriment of citizenship. Religion is the answer to some of these analysts, and to others among them, it is simply a matter of teaching citizenship and civic responsibility — not only in the schools but to adults in suburbia.



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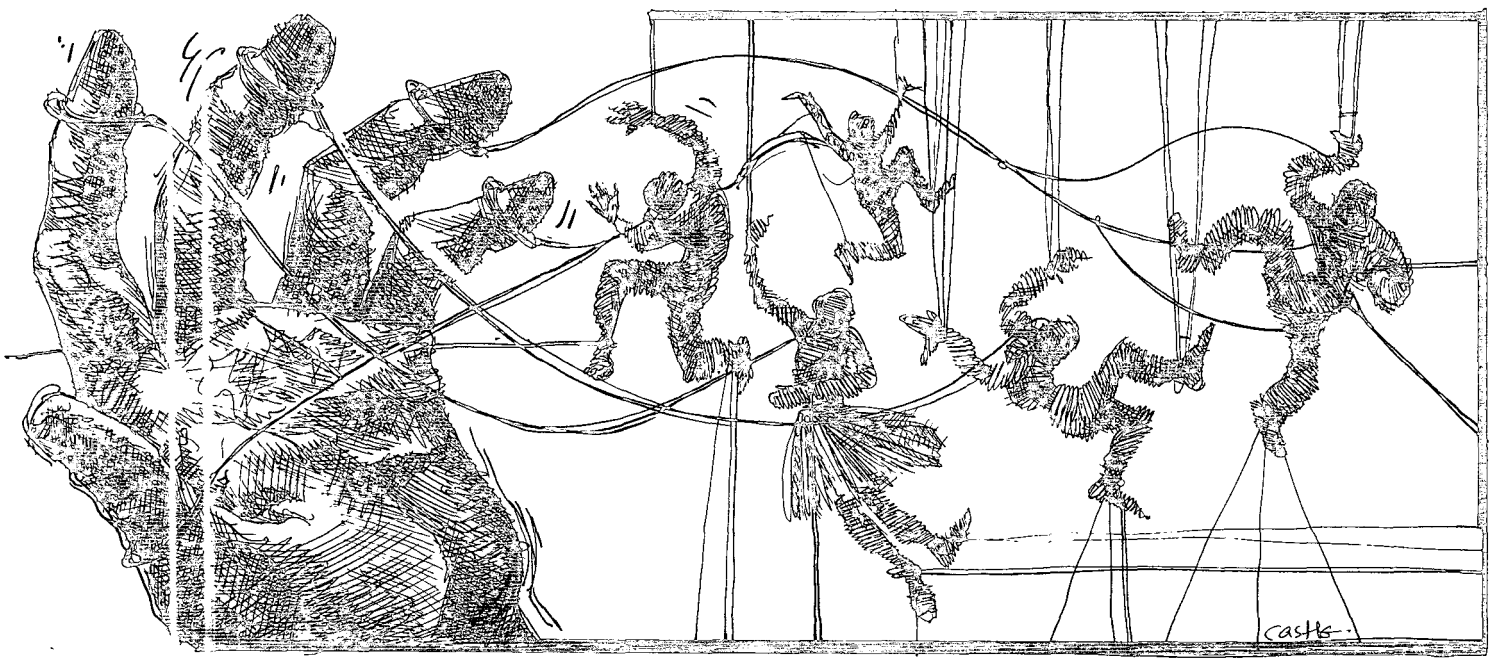
The role of power brokers in L.A. Democratic politics



By SUSAN LITTWIN

There were days last spring when Los Angeles voters must have worried that their doorknobs would be bent by the weight of campaign literature. Their mailboxes overflowed with personalized computer letters, slick brochures and screaming tabloids. Typically, the slogans promised soothing, uncontroversial competence: "Proof, not promises." "Experience is the difference." "Recognized community leadership." "Local independent Democrat."

But a more accurate slogan for Los Angeles politicians would be: "All power to the brokers." For Los Angeles has become the city of the Big Campaign, and a fledgling candidate needs a friend in high places to get the money and the know-how needed to win. In a round of municipal and special elections, total expenditure figures climbed to new heights, and Los Angeles candidates continued to borrow — and embellish — the sophisticated mail techniques pioneered in Orange County.

Besides the sophistication spiral, Los Angeles' heavily Democratic majority (over 65 percent in the city, 60 percent in the county) also contributes to Big Campaign fever. Many races are decided in the primary, and voters must choose among candidates so close on the issues that only their mothers can tell them apart. The difference is not "experience" but the Big Campaign, and the broker who can put it together.

Two major Democratic brokers emerged from the 1977 marathon: Assembly Democratic leader Howard Berman and Los Angeles City Councilman Zev Yaroslavsky. Among the losers in the brokerage game were Senate Majority Leader David Roberti and activist Tom Hayden. Also losing were the grass-roots party activists — the perennial poor relations who don't even get dealt a hand at the high-stakes tables. Mayor Tom Bradley showed himself to be a highly popular elder statesman, but the Black and Chicano communities are yet to be tested.

Yaroslavsky had his first success as a broker when attorney Bob Ronka won an easy victory in Los Angeles' first councilmanic district. Berman, an old hand at political paratrooping, jumped into the neighboring 44th Assembly district and helped Mel Levine win the seat. What each veteran loaned his candidate was his ability to organize a campaign and raise money.

Both Berman and Yaroslavsky are young (Berman is 36, Yaroslavsky 28), Jewish and from the west side of the city. They hold similar views on issues, although Berman has deep roots in liberal politics while Yaroslavsky (who formerly headed up the Southern California Council on Soviet Jewry) prefers the less doctrinaire-sounding term, "progressive." Their lists of friends and supporters overlap now,

Susan Littwin, a free-lance writer in Los Angeles, is a frequent contributor to the Journal.

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but two years ago, when Yaroslavsky was an underdog candidate for the City Council, Berman supported his opponent, City Hall favorite Frances Savitch. And Yaroslavsky has had to give up dreams of going to Congress because the Fairfax seat he covets is held by Berman's close friend and ally, the unopposable Henry Waxman.

Right now, the Berman-Yaroslavsky relationship resembles a détente, with Yaroslavsky operating in City Hall and Berman the state Legislature. Accordingly, Yaroslavsky would like to be mayor of Los Angeles by the time he is 31 at the latest, and he has begun raising money with a $1,000-a-couple dinner. There are published rumors that Bradley will resign and head for Washington before his term is up in 1981. If he does, the well-heeled Yaroslavsky will be way ahead of other candidates. Berman is vague about his ambitions, but he is expected to go after the speakership should Leo McCarthy decide to move on.

Playing the game

The spring elections moved both players toward Go. The Berman organization had tuned up on an intra-party election in January, when it orchestrated Bruce Corwin's victory over Richard O'Neill for Southern California Democratic chairman. When Mel Levine, a young Beverly Hills attorney, let it be known that he was interested in the Assembly seat about to be vacated by Alan Sieroty, Berman paid attention. Levine's father and father-in-law are both leaders in the Jewish community and both hold fistfuls of political I.O.U.'s. Although Berman had geared up to support an old friend, Rick Tuttle, he had to take a hard look at the fact that the non-Jewish Tuttle had neither a bloc vote nor a father's influence to tap. Tuttle withdrew gracefully. He has since been named a trustee of the Los Angeles Community Colleges, which was Jerry Brown's first elected post. Then the Berman organization moved in on the stalled Levine campaign. Caught beneath the wheels was consumer advocate Ruth Yannatta, who was supported by Tom Hayden.

In addition to his talented flying squad, Berman gave Levine important fund-raising help. Levine was sensitive about charges that his father was buying the seat for him, so Berman legitimized him by bringing in large contributions from labor and from other legislators. In all, Levine spent $288,000 in winning his seat.

Ironically, the endorsement that the Berman strategists used most to pull in votes was Zev Yaroslavsky's. Yaroslavsky represents the east end of the 44th district in the City Council, and his name was on nearly all of the mail to that area. Berman says that his own name would have carried little weight in the district next door to his own. But it was Berman who got Levine's warmest thanks on victory night.

Yaroslavsky went across the mountains and put up his flag in the east San Fernando Valley. He helped Ronka win the first councilmanic district by sending in his own street-smart team and by connecting Ronka with his financial supporters, such as businessman Terry Matthews. The close ties carry over from the campaign office to City Hall. Ronka's chief deputy was on Yaroslavsky's 1975 campaign staff. Yaroslavsky's chief deputy and political strategist, Jack McGrath, is a close personal friend of Ronka's. Yaroslavsky will need the valley vote to become mayor, and Ronka will provide a good beachhead.

Shortbread and biscuits

If the Berman and Yaroslavsky operations divide along city/state lines, they also divide along shortbread/dry biscuit styles of politics. The dry-biscuit Berman team is headed by Berman's younger brother, Michael — gruff and fond of expressions like, "When you get to be my age . . ."

BERMAN YAROSLAVSKY HAYDEN

Michael Berman can cite voting patterns, ethnic and income distributions, and average number of children per household in any district he's worked. He is known for his sophisticated targeting and blitz mail campaigns, but he likes to put all the money on safe bets. A safe bet for Michael Berman is a candidate who the numbers say can win and who, in his eyes, is ethnically and socially right for the area. He dislikes long shots, and he ignores media, except in self-defense.

Similarly, his brother is a skilled and subtle legislative tactician who would rather have leverage than limelight. The group is tight-knit and disciplined, with many insiders going back to the Young Democrat heyday and Henry Waxman's first Assembly campaign in 1968.

The Yaroslavsky group, by comparison, is brash, free-wheeling and media-oriented. Yaroslavsky himself is an intense workaholic who struggles to keep his weight down and to remember to be friendly. But at his side is deputy Jack McGrath, whose Irish wit charms the circle of Jewish businessmen (called the Nibblers East group, after the delicatessen where they have weekly breakfasts) that have supported Yaroslavsky since his first race. McGrath is vague about numbers, but he has a very accurate sense for hot issues that generate press and public support. Unlike the Berman office, where press releases are put out by factotum aides, Yaroslavsky's staff has a full-time, attentive press secretary. Yaroslavsky was Los Angeles' most visible opponent of the hated Diamond Lanes (and audible on car radios, during morning and evening rush hours). He was one of two "no" votes on liquefied-natural-gas terminal siting in Los Angeles harbor, and — ignoring the taboo about going into other members' districts — he got himself hero headlines in the harbor area newspapers.

Ranks of the losers

Creative director McGrath is restless and likes gambles. He saw Yaroslavsky in 1975 as the ultimate gamble — a brusque, badly dressed novice pitted against the mayor and the entire west-side establishment. Showing the same instinct for unexpected voter moods, he turned the trick inside out in 1977. Bob Ronka was born and raised in the first councilmanic district — an unmixed, low-rent area of ghetto Blacks and whites — but he had gone away to Stanford and Harvard. Instead of repackaging the Ivy-covered Ronka in leisure suits, McGrath sent him to walk precincts and bowling alleys in his tweed coat and Oxford shirt. The campaign played up Ronka's patrician education with a "Why not the best?" motif that led to an easy, early-evening victory over the departing councilman's deputy, who was cut from the same polyester as the voters.

Among the losers in Los Angeles brokering was Tom Hayden, who had hopes of establishing a left base within the Democratic Party. Ruth Yannatta, director of a consumer movement called Fight Inflation Together, was his best shot. Yannatta had inherited much of the Hayden campaign

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ROBERTI ROOS DYMALLY

organization, and she could count on the youth vote and volunteers in the beach communities of Venice and Ocean Park on the west end of the district. She had a large financial stake from her husband, *Parade* magazine scion Derek Shearer. And she had a running headstart on Levine, having begun organizing at least a year before the election. By the time Levine entered the race, the district was papered over with vivid Yannatta signs and oversized brochures.

But the experienced Berman organization, Levine's money and the older, more reliable Jewish vote on the east side of the district won out. The margin was small — 3.5 percent and only about 1,700 votes, but it was a big setback for Hayden. On the east side of town, Hayden-backed Burt Wilson lost badly in the special election for the 46th Assembly district vacancy left by Charles Warren, now head of the federal Council on Environmental Quality. Here Hayden's support amounted to little more than an endorsement, but Wilson finished a disappointing fifth among Democrats.

Also in the losing column was state Senator David Roberti, who backed Sabrina Schiller in the 46th Assembly district. Schiller finished third, 135 votes behind second-place Lois Yudovin, and about 3,000 votes behind winner Mike Roos. Roberti ended up brokering only his popularity and learned that it doesn't travel as well as money. His reasons for going into the brokerage business were varied. First, he needed a second banana. His polyglot district has boundary-to-boundary constituent problems that make Roberti one of the most prolific bill authors in the Legislature. He would have liked to have someone to tend his bills in the Assembly and to help him in the district. (The two assemblymen within his Senate district were Herschel Rosenthal, who is part of the Berman-Waxman organization, and Charles Warren, who concentrated on his energy legislation. He couldn't unload chores on either.) Roberti also found himself in trouble in the affluent north end of the district (Los Feliz and Silverlake) because he had voted with labor on environmental issues, such as the Coastal Plan. And a victory would have boosted his stock were he to run for attorney general.

The solution, it seemed, was to convince west side environmentalist Sabrina Schiller to run for the seat. Schiller, a former actress and a tough campaigner, was still smarting from an 800-vote loss to Lou Cusanovich in a November Senate race. Roberti hoped to combine his labor friends with Schiller's entertainment industry connections and come up with a fat campaign treasury. But Schiller's well had run dry in her state Senate race, and labor succumbed to cross pressures from politicians who were supporting other candidates. In addition, minor candidates, whom no one expected to hear from, joined the major candidates in attacking Schiller as a carpetbagger. Like the successful brokers, Roberti called in his own talent arsenal — his former aide, Jerry Zanelli, who had consulted on Schiller's state Senate race. Zanelli is known as one of the best gunslingers in politics, but he was left without ammunition — cash.

The man who did come up with the cash — winner Mike Roos — may become a broker in his own right. Roos raised over $200,000, and most of it came from Los Angeles' powerful downtown business group, the Community Committee, which usually supports Republicans. Pacific Mutual Insurance Company executive Stephen Gavin sent a personal telegram to business people soliciting at least $500 for the Roos campaign and suggesting "troubling alternatives." From a distance this sounded as if business were drawing a bead on Roberti and perhaps Hayden. But it turns out that Roos is an old buddy. As director of the Coro Foundation, a business-supported internship program, Roos had spent two years making friends with corporate heavies like Gavin and Carter-Hawley-Hale corporate secretary Don Livingston. He ran a shrewd and gutsy campaign, hiring costly Butcher-Forde Associates on money borrowed from his father — and promptly repaid when the campaign got off the ground. Having won a whopping victory (the spread between Roos and second-place Yudovin was nearly 10 percent, with 17 candidates on the ballot), he should be able to turn his friendship with the business community into brokerage power for other Democrats.

The Black community — L.A.'s south side — will see some shifting of power and some new brokers in the year ahead. Mayor Tom Bradley, who won reelection easily in the primary, is still kingpin in popularity. He endorsed Lois Yudovin in the 46th Assembly district, and Yudovin ran nearly twice as well in Black areas of the district as she did overall. But Bradley is now more popular elder statesman than broker. He was badly stung twice trying to broker in 1975· Dymally's Bill Greene defeated his candidate, Kenny Washington, in a state Senate special election, and Yaroslavsky defeated his aide, Frances Savitch. Since then his friends have had to settle for his endorsement, moral support and perhaps a few phone calls. Now, as a lame-duck mayor, with potential candidates scrambling over him for his job, he has even more reason to stay on the high road.

Mervyn Dymally remains powerful with Black voters and labor unions, despite his quiet years as lieutenant governor and the loss of his candidate, Johnny Collins, to Assembly woman Maxine Waters last year. But everyone's strength in south Los Angeles will be tested next year when Congresswoman Yvonne Brathwaite Burke runs for attorney general. Among those expected to seek her congressional seat are L.A. City Councilman Dave Cunningham, who has a free ride; Nate Holden, who will have to pay for the run with his state Senate job, and Assemblyman Julian Dixon, an old Dymally hand.

The biggest losers

Perhaps the biggest casualties of brokerage politics are the party organizations that are becoming as obsolete as mom-and-pop stores. In the days of less expensive politics, the California Democratic Council and the County Democratic Central Committee used to act as brokers by endorsing and turning out troops. But now they are little more than safety valves for Blacks, gays, and other low-power groups. The politician-brokers raise the volunteers as well as the dollars. Though CDC was too down-at-the-heels to do any precinct walking, the county committee did a respectable job of putting volunteers on the streets on election day, wherever there were endorsed candidates or Democratic nominees. But Yaroslavsky's Jack McGrath also sent a busload of volunteers to get out the vote in the 44th and 46th Assembly districts, and they all wore "Ronka" buttons to let people know who sent them. The Berman-Waxman group has a legendary reputation for turning out volunteers. The party activists soon may have little to do except sit back and watch the six-figure campaigns fly by.

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The attorney general race no candidate can win

By Ed Salzman

If you add up the intelligence from the so-called political insiders these days, California won't have an attorney general after Evelle Younger leaves office. None of the candidates now on the horizon can win the job, insiders say. There are some who can win the general election, but they can't make it through their party primary; there are those who can win the primary but are dead in the general.

There will be more than the usual amount of attention paid to the race for attorney general next year, for these reasons: This will be the only statewide office on the ballot next year without an incumbent seeking reelection. The field will be large, especially in the Democratic primary, and thus there will probably be more dollars spent in this contest than for any other save governor. And the law-enforcement post has traditionally been viewed as a springboard to higher office.

Republican Younger, who has served as attorney general since 1971, is giving up the job to run for governor — trying to follow in the footsteps of Earl Warren and Pat Brown. In fact, the only AG of recent vintage who did not advance from that post was Democrat Thomas Lynch, who took the post by appointment relatively late in life and viewed it as a capstone to his political career. Lynch's predecessor, Stanley Mosk, serves on the state Supreme Court.

BROWNING

There is still plenty of time for new candidates to appear on the scene, but up to this point there has been a surprising lack of interest among potential Republican candidates. There is only one sure contender, state Senator George ("Call me Duke") Deukmejian. Outgoing United States Attorney James Browning of San Francisco would like to run if he can raise sufficient money. Browning's claim to fame is the successful prosecution of Patricia Hearst.

On the Democratic side, there are several candidates, announced and unannounced, and there could well be a field of five major contenders by the time filing closes in March. Just because a candidate has announced, however, does not mean that he or she will definitely run. If the money supply is short and the poll results disappointing, an early March dropout could be in order. The five most probable candidates: Congresswoman Yvonne Brathwaite Burke of Los Angeles, City Attorney Burt Pines of Los Angeles, District Attorney Joseph Freitas of San Francisco, Assemblyman Alister McAlister of San Jose and Superior Court Judge Bruce W. Sumner of Orange County.

Here is a balance sheet on the assets and liabilities of each candidate:

Browning has only the identification with the Hearst prosecution going for him. He is not dear to the hearts of those who finance GOP election campaigns, and he is relatively unknown in Southern California, where Republican primaries are invariably decided. On the hustings, he might well be a high-powered campaigner, but he would need a massive quantity of resources to defeat Deukmejian. An early poll showed him a hair ahead of the senator, but there was a massive undecided element, and that was before Deukmejian started putting his campaign together.

DEUKMEJIAN

Deukmejian appears to have put together most segments of the Republican Party behind his candidacy, and that's the reason he may be virtually unopposed in June. He has an excellent reputation for integrity and honesty. He has the right kind of legislative record, keyed to crime control, political reform and tax breaks for senior citizens. Perhaps most significantly, he received tons of publicity last year as the author of legislation restoring the death penalty in California. Among those who analyze elections, however, he is not considered a short-odds candidate for the general election. He is not blessed with a television personality, and his conservative legislative record may make it difficult for him to attract the Democratic votes he would need for victory. Deukmejian went before the statewide electorate once before, seeking the Republican nomination for attorney general, and was swamped by Younger. Deukmejian, 49, has served in the Legislature since 1963 and he survived a rough challenge in a reapportioned Long Beach district last year. He serves as Republican floor leader in the Senate.

BURKE

Burke and Pines share the same Los Angeles constituency — the minority concentrations and the white liberals on the west side of town. Both are announced candidates. Burke will have to give up her congressional seat to run, while Pines has a free ride. Burke, 44, is an exceptionally attractive candidate with relatively little ex-

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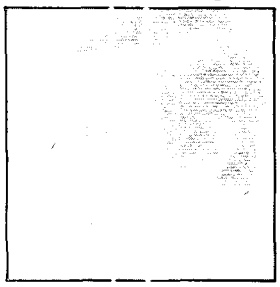
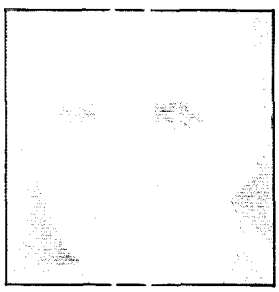
perience in law enforcement, although she did serve as an attorney for the McCone Commission investigating the Watts riots. She has received a great deal of publicity and has high name identification among voters. She served in the Assembly from 1967 to 1972, when she was elected to Congress. Her good looks, television appearance, birth of a daughter while serving in Congress have given her far more attention than she could have received on her record as a state and federal representative. She figures to do well in the north, an area where Pines should have difficulties. One of Burke's campaign problems may be the fact that her husband, Bill Burke, has been a major figure in Medi-Cal operations under investigation by the state.

Burke will be one of the favorites to win the primary, but can she win the general? Are the voters of California ready to elect a liberal Black woman with no connection to law enforcement as the state's attorney general? Will she be hurt by the fact that two other statewide elected officials, Superintendent of Public Instruction Wilson Riles and Lieutenant Governor Mervyn Dymally, are also Black? Powerful Angelenos are torn between Burke and Pines, and their contest could prove damaging to the winner.



PINES

Pines, 38, has served as Los Angeles city attorney for five years. He won reelection this year by an unreal 9-1 margin. He was viewed as the logical Democratic nominee for attorney general, but that was before his department was hit with a scandal over the shredding of police files and before Burke entered the competition. Pines has charisma and will probably be able to get broad Democratic support for the general election — but first he must finish ahead of Burke and the other Democratic candidates, perhaps a difficult task.

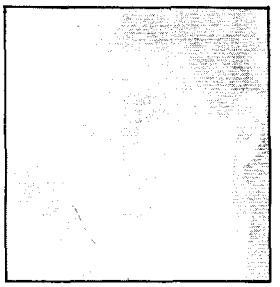


SUMNER

Sumner, 53, is perhaps the ideally qualified candidate. He has served as a Republican assemblyman, as chairman of the state Constitutional Revision Commission, as a member of the state Judicial Council and as a judge. Among those who know his work, he is considered one of the highest caliber elected officials in the state today. But he is virtually unknown, doesn't have the kind of dynamic personality that sells on television and may well decide to return to the comfort of the bench before filing closes in March. Sumner would be a strong Democratic candidate against Deukmejian, but the odds are mighty long against him winning the primary. Sumner feels he will have a chance if he can get large majorities in Orange and San Diego counties, plus a decent vote in Alameda County, where he has the backing of Oakland's new mayor, Lionel Wilson. Sumner has many friends in political circles, but the task is converting his insider strength to votes in Los Angeles and the San Francisco Bay Area.

McALISTER

McAlister, 48, is a novel Democratic candidate — a genuine conservative. He was the Assembly sponsor of the Deukmejian death-penalty bill and thinks that he just might be able to pull out a victory if the liberal vote is divided among several candidates. He heads the important Assembly committee on finance and insurance, a reward for his strong backing of Assembly Speaker Leo T. McCarthy. He can count on support from his fellow Mormons, his constituency in Santa Clara County and those scores of Democrats in search of a Republican-type candidate. Should he stage this scenario successfully and oppose Deukmejian in the November election, the voters would have a choice between Tweedledum and Tweedledee.



FREITAS

Freitas, 38, has been in public office less than two years. He might benefit by his northern connection, with the other three mainstream candidates (Burke, Pines and Sumner) coming from the south. He has a name that might appeal to the state's Chicano population, even though it is Portuguese. He would have a free ride but might have trouble raising the kind of money necessary for a first-class campaign. He, like Sumner and McAlister, would be a long shot in the primary. But should he be able to pull it off, he could be a strong Democratic candidate for the runoff.

Of these five Democrats, only Burke and Pines have shown the kind of commitment that makes them look like sure candidates, but Sumner is not far behind. There are other potential candidates, but one of them is not District Attorney John Van de Kamp of Los Angeles, who would have been a major factor in the race. Another outside possibility is Supervisor Quentin Kopp of San Francisco, but he seems to have his hatchet sharpened for the political head of Mayor George Moscone in two years.

Despite the evidence that there are candidates who look good for the primary (Deukmejian and Burke) and others who look good for the general (Sumner and Pines), someone must win both. This is a case in which the alleged political intelligence defies the laws of mathematics, and zero plus zero equals one.

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The saddlebags of Saddleback

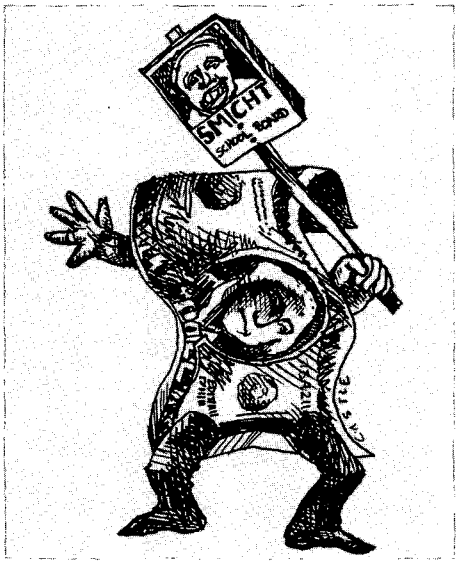
By Paul Brennan

It was only a few years ago that candidate spending for school board seats was reckoned in mere hundreds of dollars and any candidate who spent in excess of a few hundred was viewed as a fool or eccentric, or both. That hardly seems the case in recent years — at least in southern Orange County, where ample funds are available for school board candidates *if* they represent the right ideology.

While the super-conservative image of Orange County has been exaggerated by the national press, it does seem safe to state that southern Orange Countians take their ideologies a bit more seriously than many others. And when ideology mixes with the economics of higher taxes, any local election is likely to bring out big money.

For example, take a glance at the campaign statements for the latest school board election in the Saddleback Valley Unified School District, held last March. The district encompasses the burgeoning communities of Mission Viejo, El Toro and Laguna Hills. The population is almost exclusively white and upper-middle class. Mission Viejo, with its public tennis courts, swimming pools and golf courses, is viewed by many as the ultimate "plan" in planned communities. About 17,000 students are enrolled in the district's schools.

In the election of March 8th, two seats on the five-member board were up for grabs. By filing deadline, 14 candidates had qualified. Some of the candidates were less than fully committed and either dropped out or did little campaigning. Others spent little or nothing. But a handful spent enormous sums. The total spent by all candidates: $42,000. Since there are only 42,295 registered voters in the district, the total represents nearly one dollar per qualified voter.



Among the 14 candidates, one officially withdrew; five reported spending less than $200; one reported spending $322 and another reported spending $1,100. All lost. By contrast, the six front-runners spent over $40,000. One of the two winners, Mary Phillips, reported spending more than $17,000.

Paying to win

Why would any seat on a school board be worth that kind of money? Simply put, the election boiled down to a struggle between teachers and developers. One side wanted higher salaries, benefits and educational expenses; the other wanted to keep school costs and taxes down. Both sides were willing to pay to win.

Among the serious contenders were two incumbents: William Kohler and Dennis Smith, both considered strong conservatives. There were four challengers: Mary Phillips and William Kelly, moderate to strong conservatives; and two teacher-backed candidates, Juneann De Casas and Marvin Silver.

The California Teachers Association (CTA), through its political arm, Association for Better Citizenship (ABC), came through with $3,000 each for De Casas and Silver. Fund-raising efforts by the local Saddleback Valley Education Association (SVEA) added to the pot, producing a total of more than $8,000 for the two teacher-endorsed candiates. SVEA and the two candidates made no attempt to hide or distort their mutual support and affiliation. This, plus the passage of SB160, providing collective bargaining for teachers, quickly became the only major issue in the race. The local press seized on it and repeated charges of "unionism," "outside money," "frightening teacher power," and "CTA trying to buy an election." The campaign worked: Despite money and good organization, De Casas and Silver ran fifth and sixth respectively.

What few voters realized was that "outside" money was coming in to the other cadidates, too. Big property developers, particularly the Mission Viejo Company, and other interests pumped in almost as much as CTA. Candidate Kelly, who ran fourth and spent $2,361, appeared to raise all of his money from local supporters. But defeated incumbent Smith — who ran third — spent over $4,300 and received $1,500 from developers, including $900 from the Mission Viejo Company. Other developers who contributed to Smith's campaign were from the Los Angeles area. Incumbent Kohler, who ran second, spent over $8,000, including $900 from the Mission Viejo Company. Phillips spent the most money ($17,387) and received the most votes. She also collected the most from developers, $2,150, plus $600 from engineering consultants and $300 from financial institutions, for a total of $3,050. Of 19 contributors listed by Phillips who donated over $4,000 to her campaign, only three resided in the school district.

As the smoke cleared (and campaign reports became available) the score stood: Developers 1, Teachers 0. But looking at the players, one thing is sure: They don't play for small stakes.

Paul Brennan teaches political science at Saddleback Community College.

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The outrageous B.T. - Brown's strong left arm

By Cynthia Roberts

B.T. Collins, one of Governor Brown's legislative assistants, keeps a whip at his desk; if friendly persuasion fails, he explains, the black lash is close at hand. Collins' responsibility is the Assembly, which he calls his "day-care center." He has colorful and highly uncomplimentary nicknames for most members of the Assembly. Collins alone in the Brown Administration can get away with these outrages. He lost his right arm and a right leg in Vietnam, and he has an Irish charm that makes him almost impossible to dislike. At least in the Legislature, B.T. Collins is one of Brown's major assets.

Collins is probably the least likely candidate to be employed in a Democratic governor's office. He is a registered Republican who voted for Houston Flournoy against Brown in 1974. He lost his limbs during his second tour of duty with the Marine special forces in Vietnam. He came to Sacramento only because Marc Poché, then legislative secretary, was one of his professors at Santa Clara law school and thought he would be helpful to the Governor in his unique way. B.T. had no interest in working for Brown, only for Poché. "I didn't like the Governor, but I admired him," Collins recalls. A few weeks after Collins appeared in the executive suite, Brown heard that his new staffer had voted for Flournoy and asked him why. The reply: "I don't like short ex-priests." The Governor laughed.

Collins could hardly have been hired for his expertise. As chief-of-staff Gray Davis recalls, "When B.T. first came here, he thought a bill was something you paid. Collins had no assignments. He was a bundle of energy waiting for an opening. Poché told him to take a look at the county fair boards. Before long, Collins looked like a fanatic flying

Cynthia Roberts wrote "The law-and-order graveyard" in the June 1977 Journal.

Photo by Karin Vismara

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around the office with lists of names for appointments to county fair boards. Of the newcomer with the wooden leg and the hook for a hand, everyone was asking, "Who the hell is this guy?" Collins likely would have answered with a grin: "I'm the gimps' great success story."

Playing war at the Capitol

Brian Thomas Joseph Collins is a 37-year-old adventurer who came to Sacramento for the same reason he went to Vietnam — to play war and fulfill a childhood fantasy. He is a soldier of fortune who should have been around to charge San Juan Hill with Theodore Roosevelt. He displays a healthy irreverence for those in authority and loves the gamesmanship aspects of politics. After losing two limbs in Vietnam, he still volunteered for a third tour of duty — but was rejected.

Yet, he is almost a beloved character in the Assembly. Poché first assigned him to work with Republicans, and it took the GOP minority a while to realize that he wasn't a giant put-on. Assembly members say that between B.T.'s colorful utterances, he listens intently, follows up on commitments and gives a straight line on what the Governor plans to do with legislation. One assemblyman says he rates ranting at B.T. "better than psychotherapy, and cheaper too." Collins takes detailed notes of all comments, suggestions and criticism and reports all to the Governor, including the expletives.

Collins' energy and wit are employed to reduce the natural tension that develops between a governor and a Legislature, especially when the governor is an individual who spends little time massaging the legislative egos. There are some who claim that Collins is the most important person in Brown's legislative unit. Collins loves this kind of talk, but he doesn't agree with it. "Tony (Dougherty) is the negotiator," he says, "and Diana (Dooley) explains the merits of a bill. Hell, every bill I've pushed has died." If there is any criticism of Collins from legislators, it is that he doesn't get involved in the issues.

One of Collins' pastimes is assigning nicknames to members of the Assembly. Despite the fragile egos, no one seems to be especially offended by such names as "Jar Head," "Oreo Kid," "The Thug," "Balloon Belly," "Father Confessor," "Mother Superior," and even "Garbage Mouth." One member of the Assembly felt offended because Collins had not yet assigned him an insulting name.

At the same time Collins is insulting legislators, he is keeping track of their anniversaries and birthdays. Assemblyman Jack Fenton's first grandchild arrived two weeks before his birthday. A letter from Brown welcomed the new member of the Fenton clan and suggested that the newcomer wish his grandfather a happy birthday from the Governor. The Irish touch strikes again.

From the flea market

Brown himself is far from exempt from Collins' pranks. B.T. noticed that the walls of the Governor's office are bare — no diplomas, awards, citations and the like. The Governor detests these adornments. B.T. promptly headed out to collect memorabilia to cover his boss' office walls. "I told him I got it all at a flea market," Collins reported. "If you take a close look, you'll see all the names are wrong."

B.T. also looks after Brown's public image. After the Governor was selected by *Cosmopolitan* magazine as one of the 35 sexiest men in the world, the following letter appeared in "Dear Cosmopolitan:" "I noticed you selected Edmund G. Brown as one of the most sexy men in the world. You couldn't be further from the truth. I know; I work for the man." It was signed "B.T. (Sour Grapes) Collins." The Governor didn't let out a whoop of laughter, but Collins wasn't shown the door either.

Before B.T. descended on the Capitol, he was doing the same sort of thing at Santa Clara University. Why did he enroll at Santa Clara after returning home from Vietnam? "Only because it had the shortest distances between buildings." After receiving a degree in history, he was admitted to the law school even though the odds looked overwhelming, according to a friend, that he would not be a successful law student.

In his second year of law school, Collins mounted his first political campaign — for president of the Student Bar Association. While other candidates ran on real issues like the Vietnam War, B.T.'s manifesto was: "Let's have more beer parties and put a lot more fun in our lives." His campaign materials included *Playboy* centerfolds and one large picture of the candidate, hand and hook raised in the famous Nixon victory sign. He won, and the B.T. reign of terror was underway at the law school. Overseeing a large budget for programs, B.T. says he encouraged mass student participation. One law professor says it was more like mandatory participation.

After graduation, Collins' next command post was in the law school placement office at Santa Clara. He insulted the students, but he was always available to them and launched innovative programs to help them. One of his pet projects was a blood drive, started after he met an attorney with a son who suffered from hemophilia. B.T. arranged to have a bloodmobile visit the campus. He literally ordered people to give blood, and he broke all records for donations. Law librarian Mary Emery said Collins would address students this way: "If you are not going to volunteer your time to do typing for this group, or bring cans for that group, *you are giving blood.*" Emery added that "it would have been easier to give in than to fight him, but they also did it because they liked him." He was viewed, in short, as a benevolent dictator, and he doesn't mind a professor's comparison of him with General George Patton. In fact, it was the students who presented Collins with his black whip.

At one time, blood donations probably saved the life of the wounded Captain Collins. The Santa Clara drive was one way he could say thanks. The bloodmobile still visits the campus, but the turnout doesn't nearly match the B.T era. "No one," said librarian Emery, "is here with the fantastic devotion to stay on top of people constantly, and that's what it takes."

Out front, B.T. is undaunted by his loss of an arm and a leg. Sacramento television reporter Doug Kriegel asked Collins about his handicap. The reply: "What handicap?" Kriegel: "You're missing an arm and a leg." Collins: "I still have an arm and a leg. If something like that happened to you, Kriegel, you'd be handicapped. But I'm lucky. I'm good looking, I'm Irish and I'm from New York.

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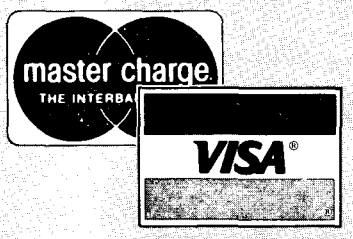

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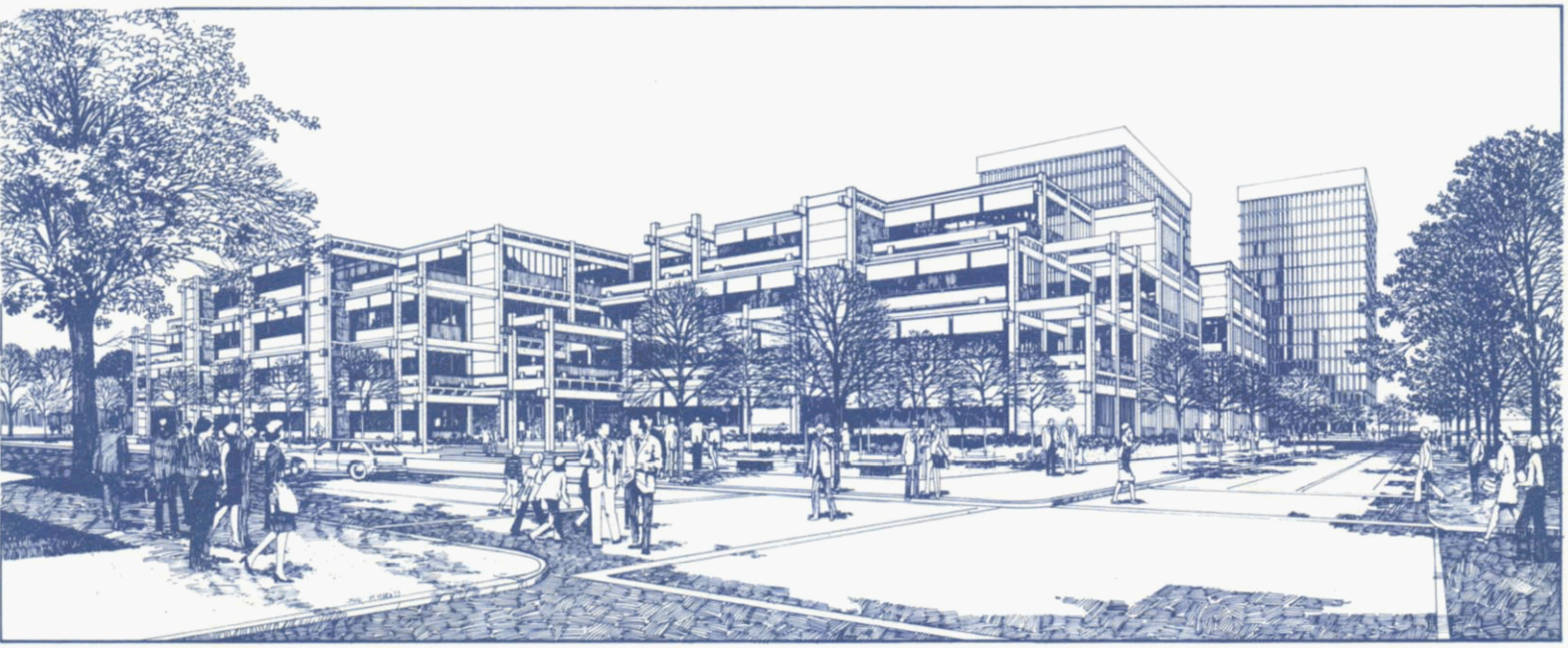
HOME OF THE 'PHANTOM CORRIDOR'

The state's $17-million gamble on a 'climate-responsive' building



Exterior of the 'Site One' building designed by the State Architect

By MARLA ELLIOTT BAKER

When the earth-moving machines arrive early next year at the corner of Eighth and P streets in Sacramento, they will symbolize an end and a beginning. The end will come to the Reagan Administration's moratorium — ordered a decade ago — on all construction of state office buildings. The beginning is for a bold and controversial plan to place the State of California among the nation's pioneers in designing buildings that save energy and serve people at the same time.

In appearance and function, the new office building at Eighth and P will mark a radical departure from the sterile, high-rise architecture that towers above the Capitol. But the design that finally emerged from two years of debate actually contains no untried energy conservation features. "They are using things that have been used a lot, but using them in a different way — and that can be risky," says Albert M. Dreyfuss, who served on the architectual review panel evaluating the design. The panel was assembled at the request of the legislative analyst's office and included architects Don Nacht and Vernon De Mars as well as Dreyfuss. They reported no major concerns for the building design. According to Dreyfuss, it will be an interesting and controversial building, but the design concept is sound.

A climate-sensitive building has been in the works since 1973, when the Legislature directed the state architect to "develop and apply rigorous energy conservation standards for the design of all new state buildings." Two years later, the Jerry Brown Administration became eager to apply this policy toward the development of more state-owned office space. According to Governor Brown, in 1975 "the state (was) leasing 1,190,000 net square feet of office space at 55 locations in Sacramento for departments that should be consolidated in state-owned buildings." New guidelines for development were established by an advisory committee appointed by the Department of General Services and refined by the state architect's office. The resulting Capitol Area Plan (CAP) calls for revitalization of a 50-block state-owned area surrounding the Capitol. It envisions several new buildings to accommodate the state's growing need for office space, but it also calls for a renewed, 24-hour community of homes, shops and services in the Capitol area.

Building harmony

A desire for environmental harmony was built into the new CAP in four ways:

Marla Elliott Baker is a graduate student at Sacramento State University.

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The Living Systems design rejected by State Architect Sim Van der Ryn

Drawing courtesy of Office of State Architect

- **New buildings** will incorporate energy-saving features aimed at drastically reducing reliance on fossil fuels. This is especially important in planning office buildings, since their functional life cycle of 50 years approaches the estimated exhaustion dates of oil and gas resources.
- **Concentrating government offices** in the Capitol area will improve access for workers and the general public, thereby reducing gas consumption, pollution and noise.
- **Inward revitalization** of the city spares the development and loss of production on prime agricultural lands.
- **New emphasis** on proper landscaping can lower summer temperatures in the city by more than 10° Fahrenheit, according to recent studies.

But since the selection of the site for the state's first new building in February 1976, energy-saving proposals have involved the state architect's office in continuing controversies. Living Systems, a Yolo County firm, was contracted to design the new structure. They had created an energy conservation plan for the city of Davis and were considered knowledgeable in the field. But their design, submitted in April 1976, met with considerable opposition from the staff of Sim Van der Ryn, Governor Brown's state architect.

Here's how Van der Ryn saw the problem: "In trying to design a building that respected the climate and that was energy-efficient, we found that there were very few studies — very little data available. We really got into areas with unanswerable problems. At a certain point, I had to rethink the project. We went to a more regular configuration."

By October 1976, the state architect's office had rejected Living Systems' idea of using upright, water-filled culvert pipes as a heat transfer system. For safety reasons, Van der Ryn did not feel that such a system was appropriate for large-scale use. He also objected to sacrificing 4 percent of the alloted building space to the water storage system. His staff then proceeded to design its own building for "Site One".

The staff architects — including Van der Ryn, Peter Calthorpe, Bruce Corson, Scott Matthews and Bobbi Sue Hood — were drawn to studies supporting the use of "thermal mass" for natural storage of warm and cool air. (Thermal mass is the ability of any material's mass to hold and store energy.) The thick, heavy walls of the new building will be used to pick up excess heat during the day and store it until it can be dissipated with the cool night air.

Using computers, they simulated energy use in relation to interior space and use patterns, adapting all factors to typical Sacramento temperatures. Months of primary research in various techniques of expanding thermal mass resulted in a new design concept featuring a shaded central atrium and a hidden rock bed. These features are expected to prove efficient in the storage, exchange and distribution of heat in winter and cool air in summer. Although expensive and time-consuming, the basic studies in environmental design conducted by Living Systems and the state architect's office should provide essential data for future building projects in Sacramento.

Hardly radical

Coming from Van der Ryn — whose counter-culture image and innovative work is well-known — the design is more conventional than many people expected. Van der Ryn has included no dry compost privies or grey water recycling units in the plan. Space and money limitations and the nature of the governmental process have made the era of limits a reality in the state architect's office. The building is not a "solar showcase." Those who have evaluated the plans for Site One stress that it would be an exaggeration even to call it a solar building.

It is also not an easy building to "sell." Its various energy-saving systems cannot be described with a single catch phrase. "We could call it a 'natural' building," suggests Van der Ryn. One factor is certain: It will be difficult to find a smoke-filled room in this government building. Work areas will be divided by a "phantom corridor" —

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Atrium of the Van der Ryn building

in other words, there will be very few walls in the place. Separate office areas will be identified by clusters of desks and use of color. No work site will be more than 40 feet from natural light. "Task lighting," mainly desk lamps, will supplement light from the double-glazed windows and the atrium skylights.

In accordance with the open design of the building, each of the four floors will have 12-foot ceilings, exposing the concrete T-beams that define the structure. Various arrangements of vertical acoustical baffles are being tested for the ceiling grid.

Key to the entire design is the expansive central atrium, a 125 by 145 foot area topped by skylights. The atrium will allow free circulation of air and people, replacing the conventional use of corridors to direct public traffic on the first floor. Landscaping in the atrium will soften the lines of the concrete facade and provide a relaxing atmosphere amid the heavily trafficked offices of the Department of General Services.

The combination of lighting, heating and cooling plans in the Site One design is predicted to consume only 17 percent of the energy used by existing state buildings with the same floor area (267,000 square feet). Some conventional measures of conserving energy will be used: increased roof and wall insulation, double-glazed windows, a roof-mounted solar water heater. Distribution of heated and cooled air will be through a conventional, but oversized ducting system. But that is where the use of familiar energy-saving devices ends.

Trapping the breezes

The operation of the building's climate control system is best explained in terms of that system's greatest challenge: cooling off the building during a Sacramento summer. Even though daytime temperatures frequently exceed 100 degrees, ocean breezes arriving through the Carquinez Straits generally bring a drop of 30 or 35 degrees in the evening. It is this unusual climatic condition that the building's cooling system hopes to tap.

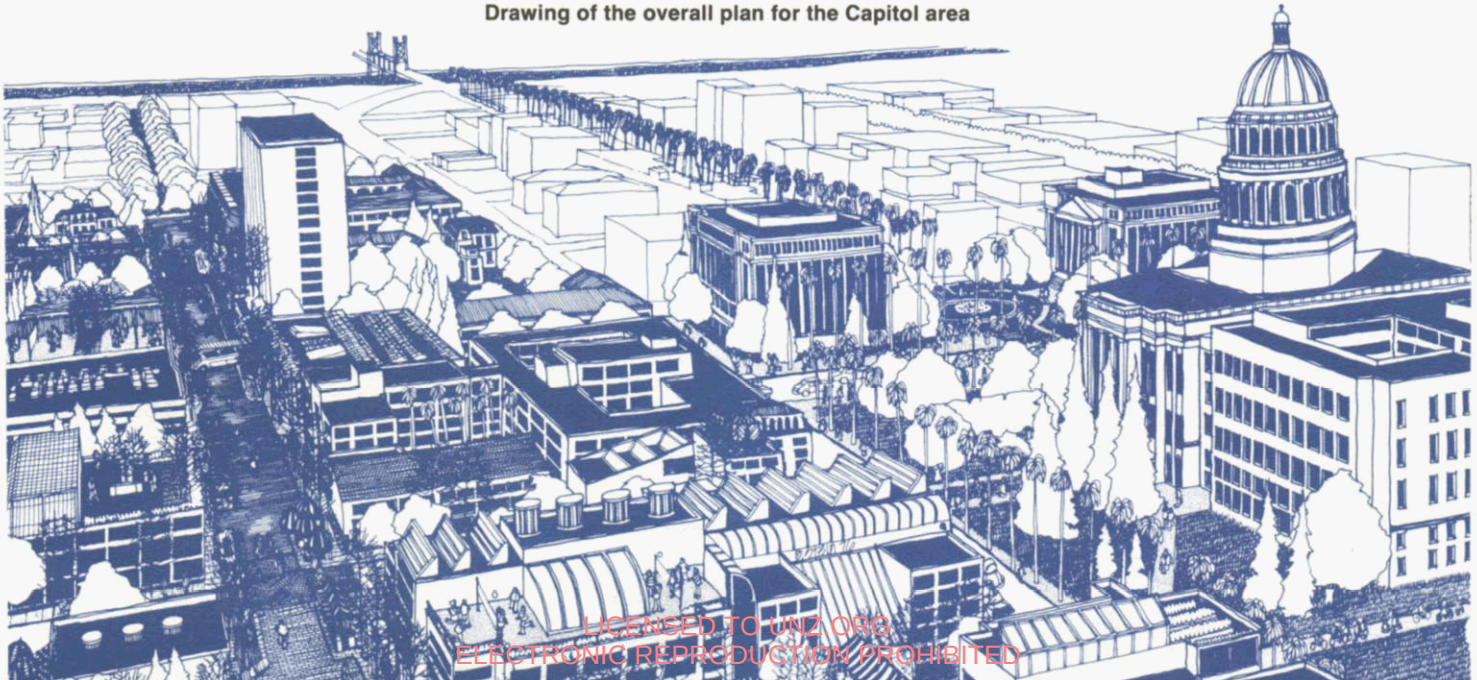
At night, the building's skylights and vents will be opened to trap the cool breezes. Fans will draw this cool air throughout the building, forcing out the warm daytime air. The huge central court also will serve as a reservoir of cool air. The atrium's large rock bed will store additional coolness to supplement the building's own heat absorption. When workers arrive in the morning, the temperature should be about 65 degrees.

To keep the building from heating up during the day, designers are counting on some common-sense elements: massive wall construction (like old adobe buildings), use of awnings and other sun-breaks to reduce direct sunlight, reduced reliance on heat-producing overhead lighting.

In winter, air circulated through the atrium will be warmed by sunlight, recovered and redistributed throughout the perimeter offices. Hot water coils can boost air temperatures when needed. Energy savings are also expected at the expense of more human energy. Although four elevators will serve the building, prominent positioning of the stairs will encourage more walking.

The office of the state legislative analyst assigned teams of architects and engineers to find out just what Site One is all about. Their reports, according to Dreyfuss, expressed personal opinions on several facets of the design. A few changes in design have already been made out of respect for those opinions. The rockbed, which was originally damp, will be dry in the finished product. North-facing skylights have been added to the atrium. Some outside planters have been eliminated. Testing is underway at a small mock-up of the building in an old Q Street schoolyard, to refine the interior lighting, exterior shading and acoustical treat-

Drawing of the overall plan for the Capitol area



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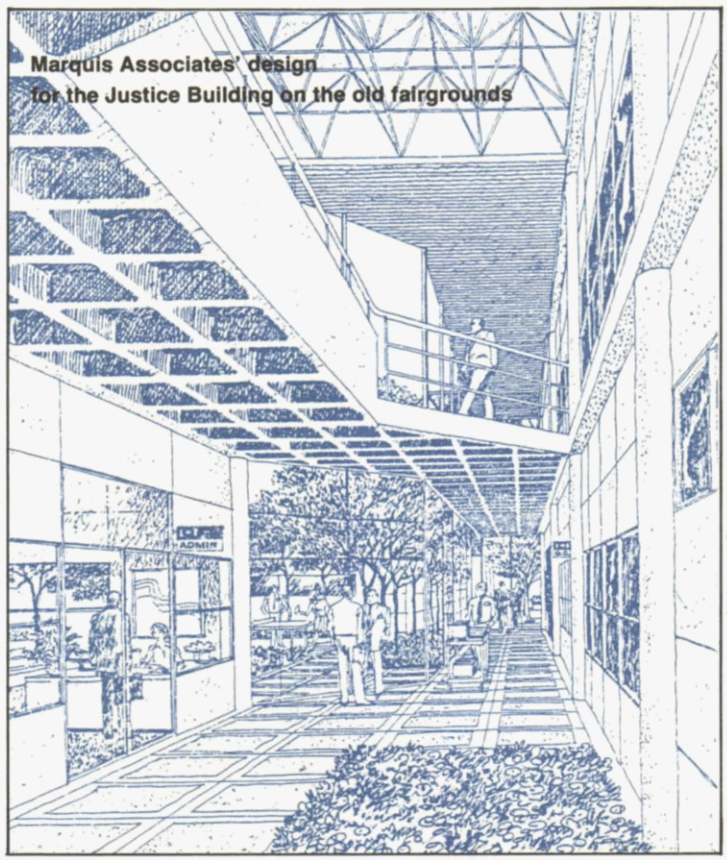
ments. The outer appearance will be softened by some kind of wooden panels. But these design considerations will not slow the site and foundation work, which should begin early next year.

The measure of success

Total cost of the building will be $17 million but if its energy-saving features live up to their computer simulations, the added cost — about $2 to $3 million over conventional design — will be repaid handsomely in its 50-year life span. The true measure of success will be the public response to Site One. Dreyfuss expresses concern for the overall appearance of the building to those who will see it only in passing. "It will be the biggest looking building in Sacramento," he says. Since much of the open space is enclosed in the atrium rather than around the site, passersby will see a lot of concrete, relieved mainly by landscaping on the balconies and around the two entrances.

Inside, worker response to the open atmosphere is hard to predict. The official position of the state architect's office is that "agencies or users with security requirements can be enclosed with fixed walls . . . without adversely affecting the integrity of the circulation system."

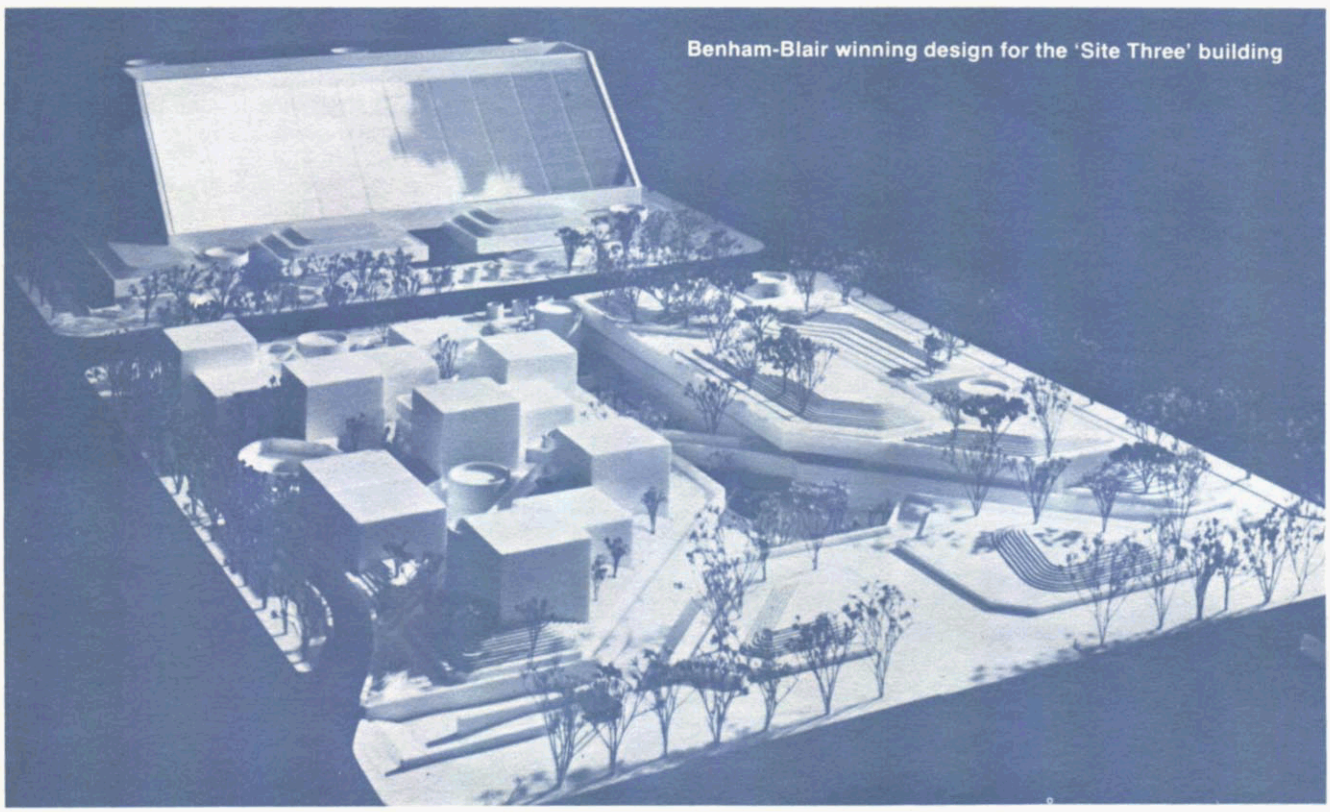
Public and worker response to Site One may set the pace for future development under the Capitol Area Plan, but Van der Ryn's office is ready for an "all systems go" approach. Site Two, a new Department of Justice building at the old state fairgrounds, will privide 350,000 square feet of office space in a low, two-story structure. The San Francisco firm of Robert Marquis and Associates has interlaced natural greenspaces with conventional office needs along several sunlit corridors. New York engineer Fred Dubin designed the night cooling system to comply with California's new focus on energy-saving design. Site Three, designed by Benham Blair and Affiliates of Los Angeles, was chosen in a statewide competition over 40 other entries. This building will exhibit a third strategy in energy-saving architecture: 25,000 square feet of exposed solar panels will serve most of the energy needs of a huge office complex built underground, starting at Seventh Street and extending under N Street for a full city block. It is scheduled for completion in 1980.



Marquis Associates' design for the Justice Building on the old fairgrounds

Drawing courtesy of Office of State Architect

Will all this architectural innovation actually pay off in significant energy savings? Van der Ryn and his staff are convinced it's worth trying. If they're right, the pace-setting state projects will attract much national attention — a prospect not likely to displease their boss, Governor Brown.



Benham-Blair winning design for the 'Site Three' building

Photo courtesy of Benham Blair and Affiliates

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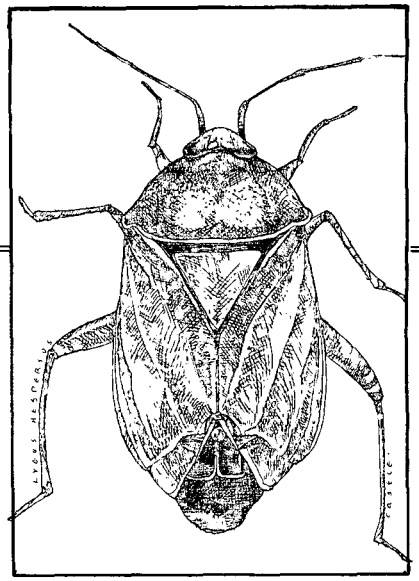

Can California get off the pesticide treadmill?

By HAL RUBIN

None of the following debacles was supposed to happen, but the results have been inevitable and deadly:

• **In 1975 more** than 1,300 cases of poisoning due to agricultural pesticides were reported in California, and it is estimated that only a small fraction of the number of persons affected was included in the statistics. Most of those were farm workers and pilots who fly crop-dusting planes. Also among the afflicted were 24 California highway patrolmen, firemen, and highway maintenance men, and two truck drivers. They were hospitalized after being exposed to 1,200 gallons of Telon II, an agricultural pesticide that was spilled during a highway accident near Yuba City.

The hospitalized men had sloshed through the liquid or breathed the fumes, and they still have persistent health problems that affect the central nervous and cardiovascular system. About 700,000 pounds of Telon II were put into the soil last year by California farmers.

• **In 1977 — 16 years after** laboratory studies sponsored by Dow Chemical Company and Shell Oil indicated the dangers involved in its use — the state halted the manufacture, distribution and use of dibromochlorophane (DBCP), which is a soil fumigant used against nematodes (crop-destroying worms). This nematocide is charged with causing the sterility of 24 men working at the Occidental Chemical Company in the San Joaquin Valley. Seventy-one additional cases of worker sterility were uncovered at Dow Chemical and Shell Oil DBCP plants elsewhere in the nation.

Recently the Environmental Protection Agency (EPA) in Washington reported it had detected residues of DBCP in carrots, radishes, cauliflower, broccoli, cabbage, cucumbers and peanuts. The EPA warned that those who eat average amounts of vegetables treated with DBCP for two years run the risk of developing cancer. Until it was banned in September, about 800,000 pounds of the fumigant were used under a variety of trade names by California farmers and home gardeners. Telon II, which has not been banned, is being considered as a replacement for DBCP.

• **In mid-October** a four-day hearing was held to determine why the dangers of DBCP went undisclosed so many years. Donald Vial, state Director of Industrial Relations, conducted the public inquiry, which provided a classic example of how Murphy's Law ("If something can go wrong, it will ") works with special vengeance in an industry where bad judgment or mistakes can be lethal.

"We now know that, despite early research warnings when DBCP was first developed 20 years ago, the emphasis on marketing a lucrative economic poison apparently outweighed any consideration for the protection or well-being of workers," Vial stated.

Hal Rubin is a member of the journalism faculty at Sacramento State University and a free-lance writer.

He was referring to research sponsored first in 1952 by Shell Oil, then in combination with Dow in 1961 — the two major manufacturers of DBCP. Charles C. Hine, a University of California toxicologist, who also does consultant work for industrial clients, carried out the original research for Shell. In 1961 he did a joint study with T.R. Torkelson of the Dow Company.

Their research showed that airborne concentrations of DBCP as low as five parts per million were dangerous, but no research was done at lower levels. Presuming that a five-fold decrease would be enough, they decided that one part per million would be safe, and that became the standard. Now tests indicate that concentrations of DBCP as low as three-tenths parts per million may have been responsible for causing sterility among 95 workers. Hine told the inquiry, "The word stupid might be applicable today" to his research with DBCP.

Chemical company officials maintain that the discovery of sterility among workers came as a surprise, and they still question EPA statements of a link between DBCP and cancer. Shell and Dow officials could not explain to investigators why their firms failed to warn workers and wholesale consumers of the research indicating the chemical compound had caused testicular atrophy in animals.

• **Murphy's Law** again: Recently the EPA found test deficiencies in 123 pesticides certified as safe by a private laboratory in Illinois. The lab was used by 31 companies. EPA tests now show that toxaphene, the nation's most heavily used agricultural pesticide, causes cancer in animals and is potentially dangerous to humans.

Points of no return

About two billion pounds of pesticides were used in the United States in 1975. In California, a major user of agrichemicals, the legal guidelines for dealing with the environmental impact of pesticides are provided by the California Environmental Quality Act (CEQA). In that act, the Legislature directed all state agencies to ensure that the long-term protection of the environment shall be their main concern.

In 1976 Attorney General Evelle Younger's office ruled that the Environmental Impact Report (EIR) is at the heart of the CEQA. He called the EIR an "environmental 'alarm bell' whose purpose it is to alert the public and its responsible officials to environmental changes before they have reached ecological points of no return." Because of his ruling, the Department of Food and Agriculture under Richard Rominger has been working for a year on an EIR that will deal with the pesticides which have already been environmentally assessed and regulated for use by federal and state agencies.

California law defines economic poisons (a synonym for

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pesticides) as "any substance, or mixture of substances, which is intended to be used for defoliating plants, regulating plant growth, or for dealing with insects, fungi, bacteria, weeds, rodents, predatory animals or any other form of plant or animal life which is declared to be a pest."

Economic poisons have four categories: *Prohibited substances,* like Compound 1080 and Thalium, are specifically prohibited by legislation for use or possession except in very specific circumstances. *Restricted substances* may only be used for agricultural purposes with a permit from the county agricultural commissioner. *Exempt substances* may be used without a permit and have no restrictions beyond those shown on the label. *Other substances* are pesticides that are neither exempted nor restricted. No permit may be granted for any pesticide, restricted or unrestricted, which the county commissioner determines has demonstrated serious adverse effects within or outside of the agricultural environment.

Insecticides are the most widely used of the pesticides, although herbicide use is increasing. Synthetic organic insecticides, like DDT, which is an organochloride, came on the scene in the 1940's. These attack the nervous system of insects and mammals alike. Generally the organochlorides do not break down readily and toxicity is long lasting. Studies show that 39 percent of DDT remains in the soil 17 years after application.

A second category, the organophosphates, were a product of German research with nerve gases in World War II. These are also nerve poisons, but they are more toxic than the organochlorides. Because they break down more rapidly than the chlorides, more frequent application often occurs.

Out of control

Workers and the general public who are exposed to many of the commonly used pesticides risk cancer and genetic damage that can be transmitted to their children as birth defects. Furthermore, once the chemicals are out of the laboratory and into the environment, there is no way to control the permutations that may occur.

Pilots who fly spray planes are frequently subject to nerve poisoning despite their respirators and protective clothing. Farm workers have a high incidence of nerve poisoning even though they observe all the required precautions. Research into the effects of long-term consumption of fruits and vegetables treated with chemical poisons is limited. Only after DDT had been in use for decades was the chemical banned because of its dangerous cumulative effects on humans and animals.

Despite the hazards they pose, about one-third of the pesticides applied in California are used for "cosmetic" purposes on fruit and vegetables. For example, the orange growers' association, concerned with its image, usually will not market otherwise good fruit that has a tiny scar left by an insect. Aware of this, individual growers are concerned with getting a maximum profit out of their crops. Can they afford to permit questions of potential health hazards or environmental damage to deter use of chemicals that will increase profits?

Many individuals and organizations in and out of California government have become increasingly concerned with pesticide dangers. They believe that the point of no return is so close that immediate action is necessary. One group, the Environmental Defense Fund (EDF), rang the alarm bell in August without waiting for Rominger's environmental impact report.

The EDF describes itself as a nonprofit, public-interest organization with more than 45,000 members nationwide, 5,500 of whom are Californians. For more than a decade the organization has been concerned with the effect of toxic chemicals on the environment, and in particular with agricultural chemicals. Two EDF members in the Berkeley office are behind a petition recently submitted to Rominger. They are David B. Roe, regional counsel, and W.R.Z. Willey, staff scientist.

Their petition is intended to correct what they consider shortcomings in the current procedures followed by the Department of Food and Agriculture. The EDF also charges that non-chemical alternatives are almost wholly ignored and that pesticides are being "chronically and unnecessarily overused," creating health dangers and threatening the agricultural economy itself.

To remedy the situation, the EDF recommends procedural changes that would place a tighter rein on chemical use throughout California and increased use of "integrated pest management." Known as IPM, this program emphasizes biological, physical and cultural controls rather than toxic chemicals.

The tactics of nature

IPM as a concept is not new. Twenty-five years ago, Paul DeBach, a leader in biological control research, was enlisted by desperate orange growers in Southern California to rescue them from the red-scale insect. Despite the use of cyanide tents around each tree, the pest persisted. DeBach eventually found a parasitic wasp in Pakistan that is a natural predator on the red-scale insect. He brought a colony back to California, and the red-scale problem was controlled.

Entomologists who are practioners of IPM generally advocate reliance on naturally occurring biological factors, and recommend the use of chemicals only when absolutely necessary and least disruptive to the ecology. There are three major tactics other than biological which are also available to users of IPM: genetic, cultural and chemical.

Genetic control works on the plant or animal to build up its resistance to attack or to reduce the ability of the pest to survive. One technique, for example, is to combat the pest by making the males sterile.

Cultural controls involve such measures as cleaning fields and removing debris from beneath trees to destroy the places where some pests live and breed, or removing all almonds from trees so worms that winter inside the unpicked nuts are kept at low levels. Crop rotation is another cultural control. In the Imperial Valley, rotation has reduced the problem of sugar beet nematodes.

California specialists can cite numerous case histories to illustrate the advantages of IPM over the pesticide treadmill. In the early 1960's, a bug named *Lygus hesperus* that feeds on cotton bolls and leaves began causing problems in the Central Valley. Growers called in the crop dusters who laid down their pesticide clouds. Eventually the bug developed resistance, but the beneficial insects did not. As a result the farmers had to bring in other pesticides to deal with the cotton worm and mites. Formerly these pests had been kept down by the beneficial insects. The secondary pests also developed resistance and thrived. Firmly trapped on the treadmill, farmers were forced into larger and more frequent insecticide applications, and they stayed there for 15 years.

Then, trying the IPM approach, they learned that *Lygus hesperus* is not a serious threat after mid-July, and that a certain amount of boll drop is inevitable. Actually, the economic loss was negligible. Growers have been able to reduce significantly their chemical war against *Lygus hesperus*, and the natural balance is returning.

Believers in the IPM approach recognize a role for the rational use of agricultural chemicals. The EDF group stresses that the Department of Food and Agriculture al-

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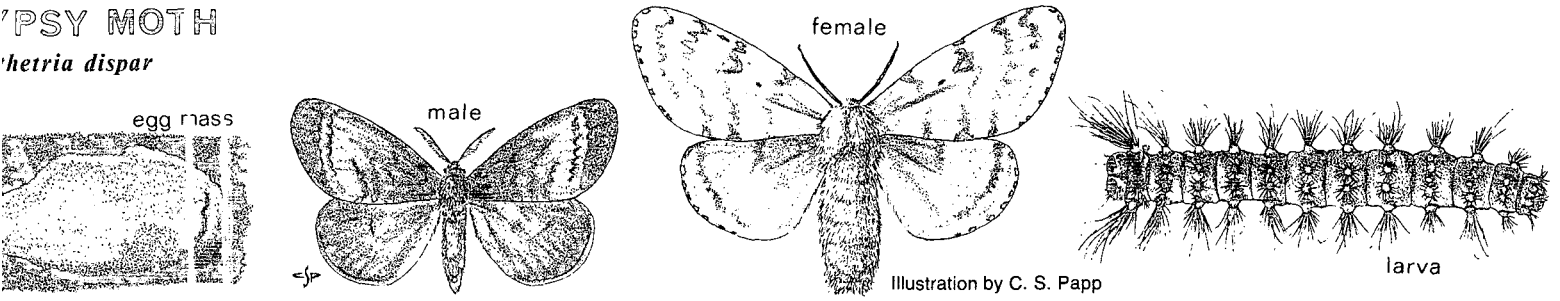

Illustration by C. S. Papp

ready has statutory power to correct shortcomings in pesticide control procedures. At the bottom of the pyramid of controls are the state-licensed pest control advisers. They are the key contacts with individual growers, and the grower has the option of seeking help from a licensed specialist. Whether or not he consults with one, the grower must obtain the approval of the county agriculture commissioner before applying any of the restricted pesticides for agricultural use.

Conflict of interest?

Currently there are 4,000 licensed pest control advisers in the state, but only 3,000 of them are actively involved. At least 90 percent of the active advisers work for the manufacturers of agri-chemicals — firms like Dow Chemical, Shell Oil, American Cyanmid, E.I. duPont De Nemours and Company Exxon, Mobile Oil or small independent distributors. The EDF contends that employment of the majority of the advisers by pesticide manufacturers represents a conflict of interest. The environmental group charges that a pest control adviser is highly unlikely to advocate natural control techniques instead of pushing his employer's products. EDF said it can show that the independence of these licensees is severely compromised by their relationship to the pesticide manufacturers, and the situation is an obstacle to getting adequate and unbiased IPM information to the growers.

In rebuttal, officials in the Department of Food and Agriculture maintain that the advisers are trained professionals. Those who give bad advice will find few customers for their services. They believe that as IPM techniques are proven to be practicable, acceptance will be automatic in the marketplace. The conventional logic is that when farmers can maintain crop yields and quality with IPM, while decreasing the use of pesticides, they will give up their traditional dependence on chemicals.

EDF counters that the manufacturers of agri-chemicals have been very successful in implanting the chemical approach, and that the "knee-jerk" use of chemicals is extremely difficult to change.

The EDF and Department of Food and Agriculture also have disagreements about the qualifications, training, performance, and licensing procedures for the pest control advisers. According to the environmentalists, many advisers have never been adequately trained or educated in IPM techniques, and have done little to remedy their lack of knowledge. Neither has that gap in their backgrounds prevented them from passing the licensing tests or having their licenses renewed. Current tests deal superficially with the IPM concept, environmentalists charge.

Rominger's department also has been criticized for not adequately monitoring the performance of either the pest control advisers or the county agricultural commissioners. Mainly, the EDF is calling for a more detailed reporting form from the pest control adviser and more intensive monitoring of their performance by the county agricultural commissioners and the Department of Food and Agriculture.

Daniel M. Dooley, chief deputy directory of that department, has responded coolly to the EDF, informing them, ". . . the proposals appear somewhat impractical and costly, not ideally suited to integrated pest management or to regulating pest control advisers . . ."

Dooley said his department is already committed to the IPM concept, that a new division has been added to the department with specialists in IPM, and the department has been working for a year on the pesticide impact report requested by Attorney General Younger. The current status of the EDF challenge to the Department of Food and Agriculture is unsettled. Dooley believes there is no purpose in holding the hearings that the EDF has requested, because the impact report in preparation will indicate what regulatory changes are necessary.

Roe of the EDF stresses that their petition shows how to effect the changes in control procedures that are necessary, and says his organization intends to follow through on its action.

Other criticisms of current control methods have been expressed. Public health officials say the approach is fragmented and call for a centralized information center. Four federal agencies, three state agencies (Public Health, Food and Agriculture, and Industrial Relations), and several scientific organizations are now involved.

A search for answers

Research pertaining to pesticides is being carried on at both the federal and state levels. What is informally called the "Huffaker Project" is the first phase of a federally funded program that began in 1972. The study is probably the first major effort of its kind, and involves entomologists and plant pathologists at 19 universities around the nation. Experts on that project made biological and ecological studies and developed sampling techniques and models for major crop ecosystems. In the next phase the scientists will seek to apply their findings to the pesticide problems of the nation's farmers.

Scientists at a number of University of California campuses — notably Riverside, Davis and Berkeley — are delving into non-chemical approaches to pest control. Outstanding IPM-oriented entomologists at these campuses include Robert van den Bosch, Charles Huffaker and Paul DeBach.

Increasing concern among California legislators has led the Senate Office of Research, several state agencies, the University of California, and the federal agency of Health, Education and Welfare to cooperate in scheduling a conference this month at the Sacramento Convention Center. Its purpose is "to explore proven alternative technologies and identify better public policies for lessening California's frightening pesticide addiction."

Theme of the conference is "Pesticides and the People's Interest." At the DBCP investigation in San Francisco, Industrial Relations director Donald Vial expressed the common fear that is growing: "This (DBCP debacle) is one wave in a vast sea of chemicals. What else is going unchecked out there?"

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Why state government fires so few incompetents

By DARLENE KING MERCIER

Is it impossible to fire a state Civil Service employee? Not impossible — but very difficult, according to many department representatives and the attorneys who handle firing cases. The reasons for that difficulty range from human nature to red tape.

Take a look at the figures: In 1976, there were about 110,000 Civil Service employees working for the state. In that same year, there were only 175 formal dismissals. Other punitive actions were more numerous — suspensions, demotions, salary cuts, official reprimands, denial of merit pay hikes, transfers, medical terminations and so on. Also, many employees resign or take early retirements rather than wait to get fired.

But the state Civil Service system, at least in theory, is supposed to hire, retain and promote on the basis of employee merit. Why should it be so difficult to remove incompetent workers from such a system? Here are some of the reasons :

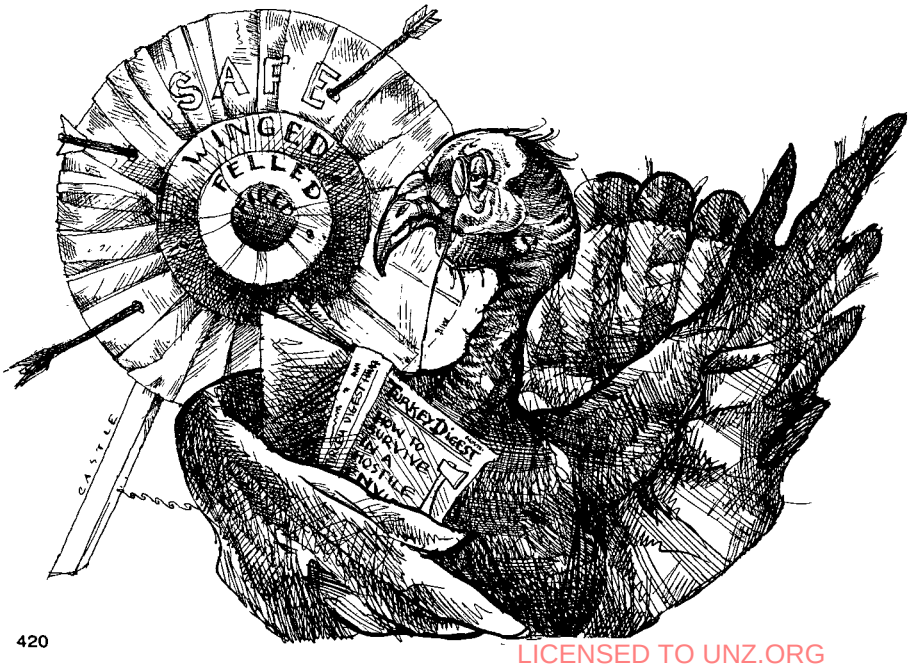
• **Supervisors** are either not aware of the procedures necessary for punitive actions or are lax in enforcing those procedures. Some supervisors are inadequately trained, some are simply reluctant to be the "bad guy." A supervisor with a less than competent employee — especially in small departments where the supervisor is close to the employees — may find it easier to "work around" that employee than to initiate formal action that would become a permanent part of the employee's personnel file.

• **"Working around"** an incompetent employee expands the problem, because the longer the employee works in state service with a "clean record," the more difficult it is for subsequent supervisors to build up a solid punitive action case, barring blatant misconduct. State Personnel Board summaries of punitive actions indicate that most employees are dismissed for various kinds of misconduct, such as drunkenness on duty, insubordination, misuse of state property or inexcusable absence without leave. Rarely is "incompetence" the cause. Personnel officers and attorneys agree that misconduct is easier to identify and document than incompetence.

As Dan Keller, personnel officer at the Department of Motor Vehicles, points out, competence is "very difficult to measure, especially at the management level where decision-making, judgment, organization, ability to meet deadlines and respond to upper management, and creativity" are criteria for job effectiveness.

Loren McMaster, chief counsel for the California State Employees Association, suggests another reason for the small number of dismissals for incompetence. Many incompetents, he says, are removed during their probation period. Yet the statistics don't suggest a pattern of major probationary housecleaning. From March 1976 through March 1977, the state posted 8,530 new hirings, all of which were probationary. During the same period, 11,286 employees were promoted and also placed on probation. Yet during the same year, only 231 probationary employees were rejected and released. McMaster adds that many newly hired employees who are aware they will not be retained after probation elect to resign and thus aren't included in the rejection statistics.

• **Another reason** department representatives cite for the difficulty in firing a Civil Service employee is the so-called "Skelly procedure." This procedure was named for a California Supreme Court decision which held that a permanent public employee's job is "property" under the Fourteenth Amendment due process clause. Thus, before that employee can be discharged or suffer other disciplinary ac-



Darlene King Mercier is a political-science student at San Jose State University. She prepared this article under assignment to the Journal *from the State University system's Sacramento Semester Program.*

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tion, he or she must be accorded "due process" which includes the following rights: to be informed in writing of the charges, to be given all materials upon which the charges are based, to be given an opportunity to present his or her side of the controversy, to be represented by a person of his or her choosing, and to have a decision rendered on whether or not disciplinary action will be taken and the degree thereof.

The disciplinary action becomes effective only after all those steps are followed. Designed to minimize the risk of error in the initial removal decision, the process has its critics. Attorney Frank Iwama, former deputy attorney general and now a private attorney, feels the Skelly procedure presents another roadblock for the state in the disciplinary procedure. Another deputy attorney general, Tal Jones, sees it differently. He says the Skelly procedure has had the positive effect of weeding out unwarranted cases or those with insufficient evidence. Eliminating the weak cases at this point saves time and money, Jones says.

- **The appeals process** also plays a large part in the punitive action story. Most punitive actions are appealed to the State Personnel Board, and the number of appeals has risen in the past 15 years. For example, in 1960, only about half of all dismissals were appealed to the hearing office of the State Personnel Board. In the 1976 calendar year, by contrast, 75 percent of all dismissals were appealed. There seem to be two major reasons for the rise: People generally are more willing to question decisions; and the California State Employees Association and other employee groups have been increasingly aggressive in areas like punitive actions. The CSEA recognizes that the firing of a civil servant is, in McMaster's words, a "professional death sentence," and it wants to be sure the firings that do occur are justified.

Appealing upward

If an employee requests an appeal, the hearing office of the State Personnel Board sets up a case number and file, gathers all pertinent documents and holds a hearing with the employee and the employee's counsel in attendance. The hearing officer then presents his decision to the board and the board can accept or reject that decision. If the board accepts the decision but the employee doesn't, the employee can request a rehearing. The request for rehearing is usually denied unless there has been some blatant error. Then the employee has the option of appealing the decision to the state Superior Court and, if necessary, to the Appellate Court and California Supreme Court.

Few cases ever go as far as the Supreme Court, the Skelly case being a notable exception. But cases do go to Superior Court and, according to CSEA's McMaster, this is due to problems with the State Personnel Board's hearing process. McMaster's chief criticism is that, even though the hearing officers are attorneys, they deal more with the factual questions of the case than the legal questions. The hearing process is given the status of a trial court but the decisions don't always reflect this, he says. McMaster feels that the cases that are won by CSEA have to be won in court instead of before the board, which requires a greater investment of time and money than should be necessary. State employees who do not belong to the CSEA and who can't afford to hire a private attorney for this long legal process find themselves at a disadvantage.

While there is general agreement that the SPB does uphold most of the punitive actions of the state departments, attorney Iwama thinks the cases which go as far as the SPB hearing office are solid ones, and that this explains the large number of cases upheld. McMaster's solution to the appeal problem is third-party arbitration. He believes the interests of the state and employees would be best served by an independent hearing body rendering a final and binding decision. Deputy Attorney General Jones defends the thoroughness and fairness of the State Personnel Board and considers third-party arbitration to be "anti-merit system." Allowing negotiation would defeat the basic purpose of the Civil Service system which is supposed to have the "same rules for everyone," Jones says.

Making the system work

The people who deal with disciplinary actions say they don't want to jeopardize the rights of civil servants, but only want the system to work the way it is supposed to. It is clear to them that one major area needs attention — that of supervisor awareness and enforcement of disciplinary procedures.

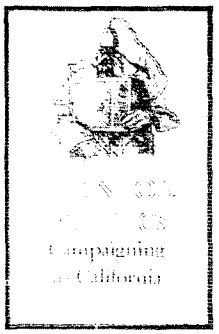
One department may serve as an example of how the system can work. It's generally agreed that the California Highway Patrol presents the best investigation packages to the attorney general's office in punitive action cases and that they lose few of their cases. This is partly explained by the fact that the CHP is a law enforcement agency itself. But Captain Jim Cole of CHP Internal Affairs believes that the department is serious about "doing their own housecleaning."

If other state departments followed the CHP example, there probably would be more dismissals of incompetent employees, fewer cases of "working around" them, and less "shuffling" of them from one department to another.

The Media Message

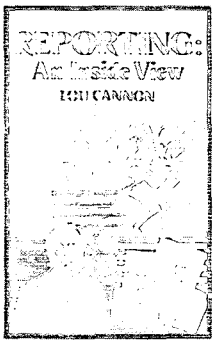
PHANTOM POLITICS By Mary Ellen Leary. This long-awaited book, based on a *California Journal* study of the 1974 California election, reveals startling facts — still valid today — about the failure of the broadcasting industry to inform listeners about public affairs.

The author is a former political editor for the *San Francisco News* and a frequent contributor to *The Nation*, *The Economist* and other magazines. The 191-page book was published by Public Affairs Press, Washington, D.C.



REPORTING: An Inside View By Lou Cannon. In this 320-page study of newspaper reporting in America during the post-Watergate era, *Washington Post* reporter Lou Cannon probes such subjects as:

- the "cozy coverage of Congress"
- the California publisher who killed a story about a politician who later went to jail
- and dozens of other inside stories about the biggest names in the news business.



Copies can be ordered from the California Journal Press, *1617 10th St., Sacramento 95814.* **Reporting** *is $10.55 hardback and $5.25 softcover, including tax.* **Phantom Politics** *is $10.55 hardback and $6.31 softbound, including tax. Postage is free on prepaid orders only.*

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Sunshine in Washington: light-years away

William T. Bagley, a former Republican member of the California Assembly, now heads the Commodity Futures Trading Commission, a federal regulatory agency based in Washington, D.C. As a state legislator, he was the author of three major bills designed to prevent secrecy in government. In Washington, he has been outspoken in his criticism of secrecy in the federal government. At his urging, the Commodity Futures Trading Commission has been meeting publicly since its founding in 1975. In this article, he compares government secrecy in the two capital cities.

By WILLIAM T. BAGLEY

Six months ago the new federal Open Meeting Act, called "Sunshine" in Washington, went into effect. Supposedly affected were the 46 multi-membered independent and semi-independent federal boards, agencies and commissions which meet in the nation's capital.

The California Legislature passed this state's first omnibus openness act 24 years ago. Then called the "Secret Meeting Law" and now known as the Ralph Brown Act, it is applicable — now as then — to local government. In the late 1960's and early 1970's California added openness to all of its state boards and commissions, to the University of California Regents by an overwhelmingly approved constitutional amendment, to its public records and to the Legislature.

A comparison of federal practices in this field with California's experience is indeed odious. "Sunshine" is still light-years away in Washington.

First of all, this town is a "company store" and thus is its own obstacle to openness. Instead of being a microcosm of society, reflecting the various vectors of public thought, it is an isolated island procreative of its own breed within the bureaucracy. Commission members, although appointed from outside this complex, have no inherent commonality and no constituency other than "the industry." Commission governance is government by the luck of the draw. And commissioners, instead of taking the public pulse, often simply feel each other's wrists. All the more reason for — but the less likelihood of — openness and public participation in Washington.

At the same time, the public is crying out for candor, for credibility and for an open governmental arena. That is why, after seven years of effort by Florida's Senator Lawton Chiles, Congress finally passed its first "Sunshine" bill. The public wants a new morality in government.

Many "Sunshine" opponents argue that "you can't legislate morals." That is a most simplistic cliché. Legislating morals is done every day, starting with the penal code and continuing, for example, into the field of civil rights. What is legislated is an atmosphere — in this instance an atmosphere of openness — and a means of attaining it. Needed, however, to fill that atmosphere in Washington are the public and private forces that have truly caused an evolution of openness within California during these last 24 years.

Guarding the open door

But within the federal system there is not as yet an internal mechanism nor an external watchdog to guard the open door. Citizen concern is almost nonexistent. And unlike the press of California, much of the Washington media satiate their thirst for news not from public coverage of government but rather from private source "leaks." There is no press call or cry for more "Sunshine." There is no evidence of a professional journalists' group like Sigma Delta Chi or a California Newspaper Publishers' Association assuming the public watchdog role.

Unfortunately also, the threshold of expectation on the part of the Washington press is very low. A *Washington Star* reporter, for example, states that "there will be nothing useful to reporters (from the new act) — anything that is interesting or controversial will be done in closed meetings."

And unlike California, the Washington official's mind has not been conditioned to openness — the public is foreign matter to his body politic. In that regard it may take a full generation of new appointees before there is a conscious

TOO DARN MUCH OPENNESS IN CALIFORNIA.
USED TO BE WE COULD HAVE CLOSED COMMITTEE MEETINGS - DO ANYTHING WE WANTED.
WE EVEN HAD A SECRET CAUCUS NOW AND THEN.

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recognition of the fact of and need for open government in federal agencies.

But Washington (i.e., the 46 multi-member agencies) at least could have adopted individual agency regulations consistent with case and opinion law that has developed during the 24-year experience in California and thus precluded in advance the more obvious attempts to avoid the spirit and the intent of the law. They were given that opportunity by this writer who circularized a comprehensive study of California precedents to all agency and commission heads. Instead, many internal agency "Sunshine" regulations that were adopted amount to pure perversions of the new act, and will require years of long, expensive litigation to legally proclaim their patent absurdity.

Here are examples, in a somewhat decreasing order of absurdity, of federal agency "Sunshine" regulations that have been in variant forms already ruled "illegal" in California:

- **The Farm Credit Board** wants a two-day notice *from you* that you will be attending "their" meeting.
- **Many agencies** require, as a condition of attendance, that you sign in and state why you are there. California courts ruled against any such condition when attempted by the San Diego City Council in 1955.
- **The Nuclear Regulatory Commission** requires such a sign-in, and then specifically states that you can't have a copy of the sign-in list.
- **Many agencies and commissions,** including Tennessee Valley Authority, for example, blatently state that a meeting "with staff" is not a meeting; also, so says the NRC again, "briefings by . . . other agencies" are not meetings.
- **The Federal Reserve Board** says that a meeting of its Open Market Committee (made up of all board members) is not a board but only a "committee" meeting. There may be in this instance very valid reasons, such as "sensitive market information," to invoke an authorized exemption under the act. But why not say just that, while admitting that a meeting of the board is a meeting of the board?
- **Commission members** often vote by notation, in a series, to avoid a public meeting; the Interstate Commerce Commission, for example, used this method to adopt its set of "Sunshine" regulations.
- **Perhaps the most pervasive** exemption claimed (and this one unfortunately is allowed by the act) is that if a majority of meetings might be exempted on narrow authorized grounds then all meetings may be closed. For example, the Security and Exchange Commission, FRB, TVA, the Federal Home Loan Mortgage Corporation, the Federal Home Loan Bank Board, the Indian Claims Commission, and the Export-Import Bank use this "expedited" procedure to close many of their meetings.
- **Perhaps the most perverse** is the President's own Office of Management and Budget memorandum, written in 1976 but reissued January 24th, 1977. In a wildly strained interpretation of an authorized and quoted exemption, it states that all budget meetings of agencies and commissions should be held in secret because disclosure of budgetary information "may be likely to significantly frustrate implementation of proposed agency action — 5 U.S.C. 5526 (c) (9) (B) added by Sec. 3(a) of P.L. 94-409." The same memorandum continues and states that "agencies will be held responsible" for any disclosures. (The Commodity Futures Trading Commission — CFTC — nonetheless opens its budget meetings.)

The silent media

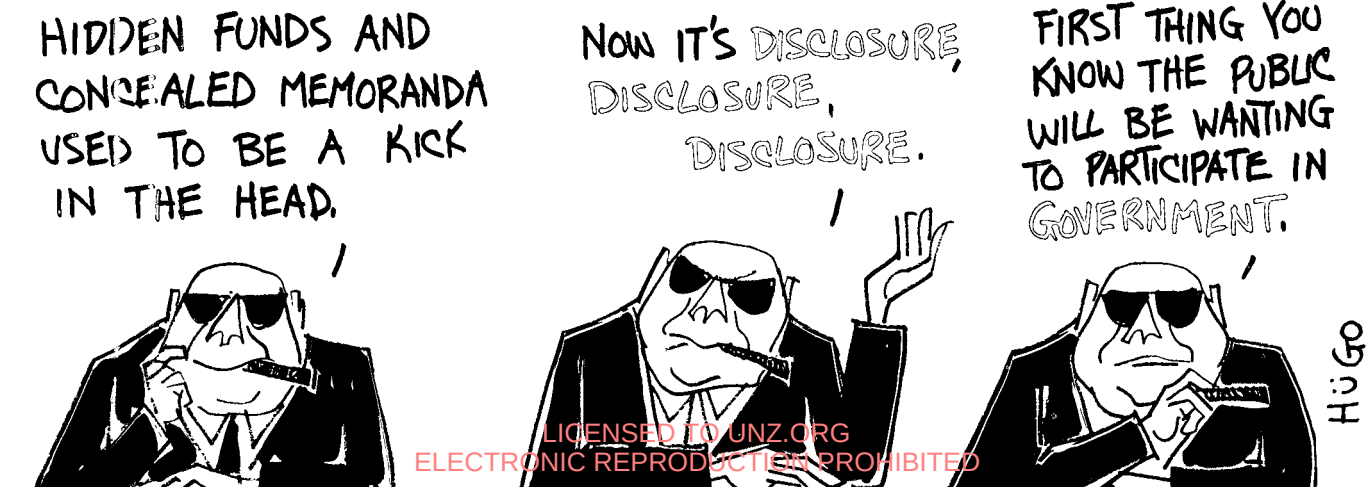
We would have "instant recall" if public bodies tried anything comparable to the above in California. The media would be at full cry. But except for coverage by the *Washington Star* of an ICC general counsel opinion that "a meeting was not a meeting" because a shipping industry official presided rather than the commission chairman, the Washington media have not been heard to whimper.

Not at all mentioned by the federal statute, and certainly never voluntarily allowed at any Washington agency (except the CFTC) is any public participation in the scheduled public meetings or even a public look-see at memoranda (comparable to proposed bills or ordinances) being discussed by the federal board or commission. And not prohibited by the federal act, though by California law and by the CFTC regulation, are meetings that might be held in facilities that discriminate on race, sex, religious or other grounds.

Consider also that many such commissions (CFTC included) are bodies that act as rulemaker, policeman, district attorney, grand jury and, in internal adjudicatory proceedings, also as judge and jury, all in the same proceeding over the same time frame. The civil libertarian in me cringes at the thought that both the accusatory and adjudicatory functions are being performed by the same body at the same time all over this town. Although "judicial" proceedings are legitimately exempted from open meeting requirements, there is almost in this context a due process demand that at least the policy-making meetings (where general rules affecting the general public are adopted) be open to public view.

Solutions are easy to state. The "press" must play a bigger role, the Congress must exercise better oversight, the President must mandate openness and establish an internal enforcing mechanism (and rescind the strange OMB budget edict), the public and public interest groups must show that they care, and commissioners more conscious of a public constituency must be appointed. But the real secret is a change in Washington attitude which would accept as its guiding principle the thesis that government works better in the light than in the dark and that a sovereign people has an inherent right to know the processes of its government.

The alternative is to allow Washington attorneys to sue for violations, prove them over the next quarter-century and, as authorized under the subject federal Sunshine Act, to collect attorneys' fees for their efforts. There has to be a better way.


HIDDEN FUNDS AND CONCEALED MEMORANDA USED TO BE A KICK IN THE HEAD.
NOW IT'S DISCLOSURE, DISCLOSURE, DISCLOSURE.
FIRST THING YOU KNOW THE PUBLIC WILL BE WANTING TO PARTICIPATE IN GOVERNMENT.
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California CAPSULES

Superior Judge claims reform act is unconstitutional

Superior Court Judge Parks Stillwell of Los Angeles ruled that the state Political Reform Act of 1974 is unconstitutional because it covers more than one subject. The act, Proposition 9 on the June 1974 ballot, was approved by an overwhelming margin and established the state Fair Political Practices Commission. In order to be legal, an initiative must cover only one subject. The sponsors of the measure (Common Cause, the People's Lobby and then-Secretary of State Edmund G. Brown Jr.) claimed that proposition 9 was limited to one subject — political reform. But Stillwell said that conflict-of-interest, lobbying restrictions and political-campaign regulations are three separate subjects. The challenge to the initiative was brought by the Institute of Governmental Advocates, a group of 35 lobbyists, even before the law went into effect at the start of 1975. The Fair Political Practices Commission indicated that it would appeal Stillwell's decision as soon as possible. The decision was handed down at a time when the commission was involved in several controversies. The FPPC:

- **Filed a complaint** against former San Francisco Supervisor Robert Mendelsohn and several members of his 1974 campaign committee for alleged civil violations of the reform act.
- **Sued** Democratic Assemblyman Tom Suitt of Palm Springs, charging him with failing to report use of a state-salaried legislative aide, Michael O'Key, in the legislator's 1976 reelection campaign.
- **Was engaged in a battle** with University of California Regents over revelation of personal finances, as required by the 1974 act's conflict-of-interest provisions. The FPPC wants more extensive reporting than the regents feel the law requires.

Legislators plan to reestablish Washington office

Legislative leaders agreed to spend at least $100,000 a year to establish a Washington office to lobby the federal government. A similar office was created in 1965 but was discontinued after a few years because of personality problems. Governor Brown already maintains a Washington office at a cost of $175,000 a year, and several other state agencies also maintain a presence in the national capital.

California Poll: Governor leads every Republican

Mervin Field's California Poll reported in mid-November that Governor Brown held healthy leads over all five potential Republican candidates for governor next year. The margins: Brown, 58; Attorney General Evelle J. Younger, 30. Brown, 60; Los Angeles Police Chief Ed Davis, 24. Brown, 61; San Diego Mayor Pete Wilson, 20. Brown, 62; Assemblyman Ken Maddy, 17. Brown, 62; Senator John Briggs, 17.

New use for National Guard — job training

In an unprecendented move, Governor Brown enlisted the National Guard in a program designed to relieve Oakland's minority unemployment program. The Governor said that hundreds of recruits would be trained each year by the Guard for jobs guaranteed by private employers. Each of the trainees will spend five months at a military base and then return to Oakland with the skills needed to fill available jobs.

Newsmakers

Changing of the guard

Republican state Senators **Peter H. Behr,** a Marin County liberal, and **John Stull,** a San Diego County conservative, announced that they will not seek reelection next year. Democratic Assemblyman **Barry Keene** of Elk and **Gary T. Giacomini,** chairman of the Marin supervisors and a Republican, promptly announced that they will seek Behr's seat. Assemblyman **Bill Craven,** a San Diego Republican, is expected to win the Stull seat. Behr is 62, Stull 57. Republican Assemblyman **Frank Lanterman** of La Canada, 76, announced that he will retire next year after 28 years in the Legislature.

Lieutenant Governor **Mervyn Dymally** said he plans to run for reelection, and a political unknown, Fresno businesswoman **Patricia Raven,** announced that she will oppose him in next year's Democratic primary . . . **Dave Uslan,** an employee in the state Department of Education, indicated that he will challenge his boss, Superintendant of Public Instruction **Wilson Riles,** next June. Uslan made his announcement shortly after Riles cast a controversial vote as a University of California regent in favor of stricter admission standards for the nine-campus system.

Because of a typing error, state Senator **John Briggs** has been forced to delay a possible vote on his anti-homosexual teacher initiative from the June to the November election next year . . . Sacramento bartender **Gilbert Rosales** agreed to give the name "People's Lobby" back to the founders of the political-activist organization . . . **Mario Obledo,** state Health and Welfare Secretary, demanded that *Readers Digest* magazine retract allegations made against him in an article on the Mexican Mafia. Obledo also said he would follow through on his intention to resign by the end of next year.

Appointed: Senate President pro Tempore **James R. Mills,** as a member of the Amtrak board of directors; **Patrick M. Callan,** as director of the California Postsecondary Education Commission; **Herbert Salinger,** as executive director for the State Bar; **C. Suzanne Reed,** as a member of the state Energy Commission; **Thomas H. Willoughby,** as a member of the Commission on Judicial Performance; **Charles E. Greene,** as Assembly sergeant-at-arms.

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A new consumer focus for the medical profession

By NANCY BARRAND

For 99 years, the state Board of Medical Examiners ruled the professional world of practicing physicians with little intrusion from the public. Dominated by doctors, the board licensed, certified and sometimes disciplined its own ranks. Over the years it tended to be understaffed, underfunded and slow in dealing with a backlog of disciplinary cases. Nevertheless, the medical profession guarded its autonomy jealously. Its position was clear: How could a nonphysician judge the quality of medical care, when only years of education and experience provide the necessary expertise? Peer review is the only proper review, the professionals said. Or, in other words, the doctor knows best.

But times, and medicine, have changed since the board was established in 1876. State and federal governments are footing ever larger shares of medical costs. Health care bills are skyrocketing higher every year. The consumer movement has convinced large numbers of persons that they have a right to know what they're paying for — in cereal boxes, auto repairs and, yes, even in medical care.

Then came the malpractice crisis of the early 70's. Doctors who traditionally had fought state regulation began crying for state relief from escalating insurance rates. As part of the Legislature's response, it passed in 1975 the Medical Injury Compensation Reform Act. This replaced the old Board of Medical Examiners with a new Board of Medical Quality Assurance (BMQA). But far more than a name change was involved. The whole focus and philosophy of the new board is different.

"The board is seen as a consumer agency, not as a professional society," says board president Dr. William Gerber. "We're here to protect the public first and to assure the standard of medical quality in this state."

Gerber feels the board can set a "floor of acceptable medical standards" by eliminating substandard practice. "We cannot make the consumer knowledgeable enough to judge medical quality," he admits, "but we can make them informed and critical consumers of the health care services they receive."

Robert Rowland, executive director of the board, states its philosophy even more firmly: "We are consumer advocates, even if that advocacy sometimes runs counter to the professional medical societies. We are advocates of consumer interests in the medical market place."

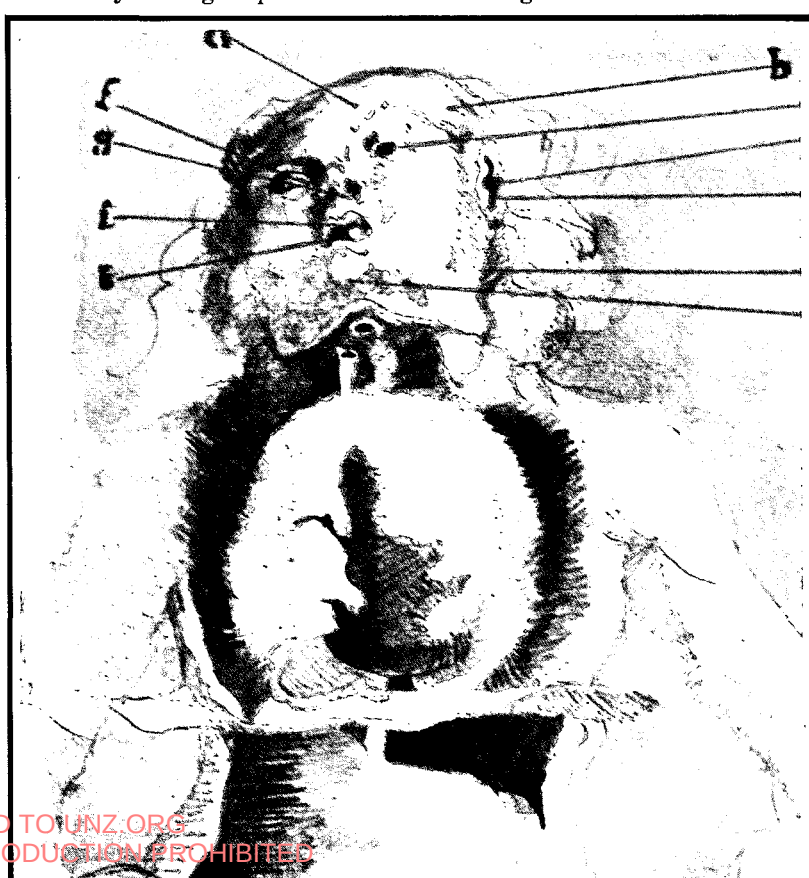
Off to a slow start

Gearing up for such a formidable task hasn't been easy. The new board has 19 members, seven of them public members — compared to the old board's 11 members with one nonprofessional among them. But Governor Brown's appointments to the new board have been slow in coming, and have been criticized for not representing the mainstream of practicing physicians. (His appointments have included only three physicians in private practice, none of them holding membership in the California Medical Association. The bulk of appointees have been young physicians and consumer advocates.)

But after one year of reorganization and less-than-full board membership, BMQA seems to be making some progress. "We've been learning how to work together," says Dr. Jeoffry Gordon, president of the board's Division of Allied Health. "Now we have developed the staff and organization to manage our responsibilities."

Gordon believes the board has the potential to represent both the public and the professions on technical issues of medical practice, as well as on issues of an ethical nature. "The Legislature is looking to us for advice and comment on laws governing medical practice," he says. "We are consultants to the state Legislature for developing and changing the law and providing broad and significant input on many issues relating to health care."

The board's major objective is to protect the public interest by linking requirements of continuing education for



Nancy Barrand is a free-lance writer specializing in the health field.

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physicians with practice standards for professional competence. There is a nationwide trend toward tighter discipline of doctors, but California will be the first state to attempt a continuing performance evaluation by a state agency.

The largest regulatory body

The BMQA is split into three autonomous divisions and constitutes the state's largest regulatory agency, with more than 200 gubernatorial appointees on its 14 regional Medical Quality Review Committees. The three divisions — Allied Health, Licensing and Medical Quality — are organized under the central 19-member board. The 14 Medical Quality Review Committees function as hearing panels for local medical cases and report to the Division of Medical Quality. These committees vary in size from district to district, but average 10 to 20 members, two to four of whom are public members. The professional members include physicians and surgeons, medical faculty people and nonphysician licensees of healing arts boards.

The board also has 40 investigators, responsible for medical cases assigned to them, and a staff of 130 working under an executive director. The director is chief administrator in carrying out board policy. This structure is a drastic change from the old Board of Medical Examiners, which had to draw from a general pool of investigators within the Department of Consumer Affairs. The old board also was hampered by time-consuming meetings for decision-making more efficiently handled in committee.

The Legislature also expanded the legal authority of the BMQA, by changing required proof of "gross negligence" to "patterned negligence" and from "gross incompetence" to incompetence defined as "repeated acts of negligence." The BMQA has been given additional review mechanisms which expand and improve its public protection activities.

Illustration by Susan Douglas

The results of this new authority are reflected in comparisons of actions under the old board and under BMQA. From 1971 to 1975, the Board of Medical Examiners filed 351 disciplinary actions — an average of about 70 per year. In 1976, under the BMQA, 92 were recorded; from January to June this year, 57.

Similarly, only 16 disciplinary actions were filed for gross negligence or incompetence from 1971 to 1975. In 1976 alone, 10 were filed; in the first half of 1977, 11.

The final decisions

The 1975 reform bill AB1XX clearly outlined the role of the board's three divisions, but it was ambiguous in stating the role of the board itself. The board meets as a whole once a month, but Gerber says it functions mainly as an administrative forum, coordinating the three divisions and deciding matters of board policy such as positions on important legislation. The divisions are autonomous; progress reports are made to the board but the authority of division decisions is final.

The bill mandated the divisions to develop these broad programs, among others:

- **A quality review** mechanism for assuring continual professional competence.
- **A program of** continuing education requirements for physicians.
- **A program for** adequate training in human sexuality.
- **Standards for** disciplinary regulations.
- **Standards for** licensure and certification of medical practice.

Up until now, continuing education has been on a voluntary basis or provided under various programs in the medical societies or specialty boards. The Division of Licensing has developed a program which integrates these programs under standards which it helps develop and then approves for certification. For the first time, doctors not affiliated with medical societies or specialty boards are included in the programs. The courses can also be monitored by the licensing division for quality and relevance.

The Division of Licensing also is responsible for developing a program for physicians in human sexuality. In its report to the Legislature this year, the division defined its objective in this field as "to induce a professional attitude in medical students — that is, tolerance and objectivity toward differing patient attitudes, values and behavior. It was also argued that adequate instruction in human sexuality should result in greater physician comfort in eliciting and imparting sexual information."

The division also may decide to develop a supplement to the medical license examination, which would more substantially reflect knowledge and training in fields the board feels important and relevant. This supplement might test for knowledge in areas such as nutrition and human sexuality.

In another report to the Legislature last spring, the Division of Allied Health outlined the desirability of certifying currently noncertified categories providing medical services of a technical nature, such as occupational therapists or midwives. But the report pointed out that certifying specialty practices often resulted in an increase of cost and a decrease of public accessibility by limiting the number of practitioners.

The Division of Medical Quality's report to the Legislature recommended a program for integrating activities of the Medical Quality Review Committees with the federal

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review mechanism of Professional Standards Review Organizations. In a report to be made later this year, the division will recommend a program for individual performance evaluation standards for certificate holders. This division is responsible for disciplining physicians, but it is also looking into review mechanisms for identifying physician problems, such as drug abuse or personal attitude defects, and rehabilitating the physicians before the problems become serious and affect patients.

The Medical Quality Review Committees, which fall under the supervision of this division, are set up on a geographical basis to function as hearing panels for local cases or complaints. They are responsible for initiating reviews of the quality of medical care practiced by certificate holders and to investigate all matters assigned to them by the Division of Medical Quality. Their decisions are final for disciplinary measures limiting or restricting practice of the certificate holder for one year or less, or suspension of a license for 30 days or less. Disciplinary measures exceeding this are referred to the Division of Medical Quality for final action.

The Medical Quality Review Committees have been slow getting started, due to the delay in their appointments by Governor Brown. According to Dr. Eugene Feldman, president of the Division of Medical Quality, many committees have just reached quorums in the last few months; only 160 of the 220 appointments have been made. There have also been delays caused by members who have had to resign because they could not make the time commitment.

Executive director Rowland sees the committees as an exciting branch of the board because of their proximity to the consumers. Feldman says, "We are hoping that (the committees) will explore and initiate their own evaluations in areas of health care that need to be looked at. And that they will hold nondisciplinary review meetings with physicians who are having problems, before the problem surfaces as a violation of the Medical Practice Act."

More ideas

There are other ideas of areas to look into floating around the board. Hope Blacker, a public member on the Division of Licensing, would like to see more attention given to providing training for physicians in such fields as geriatric care and nutrition. Margaret Castro, a public member on the Division of Medical Quality, would like to see the board look into requiring doctors practicing in communities where 45 percent or more of their patients don't speak English to be bilingual themselves or to work with a translator who is medically trained. Blanche Bersch, another public member on the Division of Medical Quality, says, "I think the board is really going to pave the way for a whole new approach for sensitivity to the consumer and general concern with integration of health care services. We are looking into areas that have not been looked at."

One disappointment to many of the members is the lack of consumer response to their meetings. The board and Medical Quality Review Committees have publicized several public meetings, with the idea of increasing public accessibility, but turnout has been small.

"I'm not sure if it's lack of publicity or if the public doesn't really understand what this board is about," says member Castro. "Only physicians seem to show up at our meetings. I think we should analyze why consumers aren't coming and explore new ways to pull them in."

The board is considering hiring a full-time public information officer to help with the problem. "The board is much more progressively responsive than its constituency," says member Blacker. "How far the board will go in the next three to four years will depend on the support of the general public and the progressive medical community."

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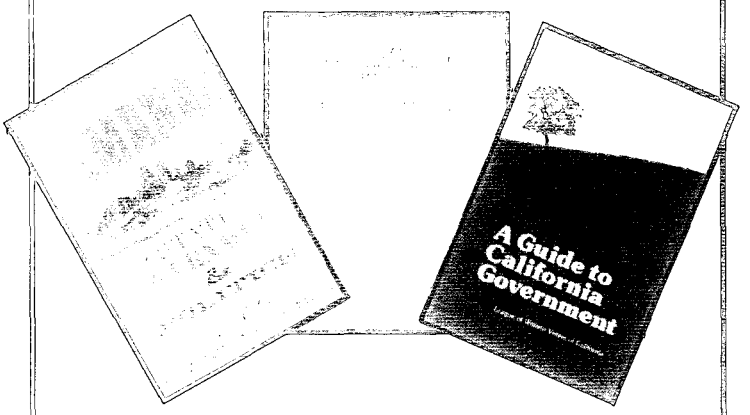

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The emptying barrel of federal anti-crime funds

By GEORGE THURLOW

Walk into a small restaurant in rural California and you are likely to be seated behind a place mat telling you how to protect your home and car from burglars.

Drive along the freeways of Los Angeles or Sacramento and you may see a helicopter buzzing high overhead, closely monitoring traffic.

Steal a car in a remote area of the Sierra and a new communications system probably will alert police before you make it down the winding mountain roads.

These three law enforcement tools are part of the growing influence in California of the Law Enforcement Assistance Administration (LEAA), established in 1968 by the Congressional Omnibus Crime Control and Safe Streets Act. But LEAA has been the subject of intense and widespread criticism, leading New York press critic Alexander Cockburn recently to put LEAA stories on his "Snore Parade" of the "top most boring stories at this hour." (Others on Cockburn's list: "Why Johnny Can't Read" and "Lasers: New Breakthrough in Surgery.")

Even as critics and editorial writers lambast the federal agency, millions of dollars continue to flow through the LEAA pipeline, nourishing a growing crime-fighting bureaucracy and allowing local governments to keep hometown police costs down. In fiscal 1976-77 California received $4.5 million in LEAA grants, funneled through state clearinghouse agencies in 21 regions around the state. Overseeing the 21 agencies is a state staff, known as the state Office of Criminal Justice Planning, (OCJP), located in Sacramento, and a state advisory board, the California Council on Criminal Justice (CCCJ). Overseeing all these state layers is a federal office in Burlingame, which has responsibility for LEAA money spent in the western United States.

The paper blizzard

But LEAA may be reaching the bottom of the barrel. Before leaving office, President Gerald Ford recommended to a Democratic Congress a cut in LEAA from $754 million to $704 million. Incoming President Jimmy Carter expressed doubts about LEAA funding at such high levels but made no change in Ford's budget figure. Congress then cut the funding to $647 million. As a result, California will get a lot less crime-fighting money in the coming year; regional offices are beginning to tighten their belts.

And the biggest blow may be yet to come. A federal task force, appointed by U.S. Attorney General Griffin Bell, released a comprehensive evaluation of LEAA in June which spotlighted many of the problems the program has encountered in the past few years, and made major recommendations for change. "Since the enactment of the Safe Streets Act of 1968 crime trends have shown little change," the report said. "For the seven year period from 1968 to 1975, (Uniform Crime Report) index offenses increased 56.7 percent. Using 1960 as the base year there was an increase of 179.9 percent in total index crime by 1975 . . . The crime problem which initially precipitated federal government involvement in 1968 has not disappeared, and there is no real indication of a dramatic change in the near future."

But while crime rates rose, so did the numbers of bureaucratic crime-fighters and the cost of their efforts, the report noted. In 1975, (the most recent year for which statistics are available) there were 1.1 million persons employed in the U.S. criminal justice system, and they were costing $17 billion annually. Between 1970 and 1974, the number of agencies grew from 46,000 to 57,000.

LEAA was an attempt to get a handle on both the growing crime rate and the multiplying jurisdictions dealing with it. It provided a new form of federal financial assistance: block-grant funding for state activities embodied in comprehensive plans. But the experiment somehow went awry and Bell's task force recommended picking up the pieces. It urged direct federal aid to local jurisdictions, bypassing the

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costly and growing bureaucracy which had grown up on LEAA dollars.

The task force pinpointed three major problems with the current program:

- LEAA **has not** built the mechanism it was charged with creating — an inter-agency planning system of prosecutors, police, judges, public defenders, prison officials and probation workers.
- **Local regions** and funding agencies are playing the old grantsmanship game, everybody writing grants which will be funded, rather than attempting programs to streamline criminal justice. Police department administrators are joining social workers and community activists in grantsmanship classes to learn about "objectives, evaluations and goal formulation." They have learned that if you come up with a burglary prevention program or a narcotics task force or a school education program, you can pick up an extra squad car, a new position on the force and a half-time secretary to type more grant requests. In 10 years more than $7 billion has trickled and dripped away — and every year statistics show crime is still on the rise.
- **The LEAA administration** in Washington has never exercised any control over the program. With less auditing than one finds with welfare mothers or food stamp families, police departments have spent the money on items like tanks (Louisiana) and short take-off and landing aircraft (Florida).

Who cares?

In California the Office of Criminal Justice Planning (OCJP) regional boards threw fistfuls of dollars at all kinds of exotic equipment and programs — with almost no public scrutiny or criticism. Most OCJP regional meetings are never attended by the public. At a meeting in Sacramento early in 1977, an OCJP board approved a budget of $1.1 million; no one from the public showed up. At the statewide CCCJ meeting in August, when funding priorities for 1978 were established and the statewide plan adopted, only one member of the public spoke before the council. That speaker advocated transcendental meditation as a rehabilitative vehicle in state prisons. One former CCCJ member says that in several years of meetings, the only public input came from "far right" activists who condemned the intrusion of the federal bureaucracy into local law enforcement activities. Despite such criticism, police departments and other criminal justice agencies have had no qualms about taking federal funds. In the early years, much of this money in California went for riot equipment and hardware — mostly sophisticated communications and data collection systems. In Los Angeles County next year, a $1 million computer terminal interface system will be funded to hook the sheriff's department computer information system into all other criminal justice systems in the county. A $1.85 million automated computer file index on juveniles also will be installed in Los Angeles County in the next year with LEAA funds.

But social programs and experimental crime-fighting programs are on the upswing. Although sophisticated computer data centers are still funded by LEAA, most regions are discouraging such items as the dollars dry up and the computers' high cost does not produce corresponding benefits. The push from Washington and from Sacramento is toward human programs, with more and more emphasis on juvenile delinquency prevention.

When Jerry Brown became governor in January 1974, one of his first acts was to attack the LEAA program as wasteful and ineffective. "At a time when the federal government is spending itself deeper and deeper into debt, and our streets are not safe at night, people are dissatisfied with government . . ." Brown said. "We have a tremendous amount of money at the state level and it's being funneled through a pipeline and I have determined that we should not send any more down that pipeline until we find out what it's doing . . ."

Sensing a popular issue, the new Governor offered to send the money back to Washington and accused the federal government of wasting taxpayers' money. At a celebrated news conference, he held up a chart with 77 boxes detailing the organizational chart of the Office of Criminal Justice Planning. He called it a bureaucratic maze and appointed his top assistant, Gray Davis, to head OCJP while it underwent a housecleaning. With even more fanfare Brown chopped off an LEAA grant for $144,000 which was to help the city of San Clemente protect the villa of former President Nixon. Warming to the task, Brown went on to call a $186,000 proposal for a "Los Angeles District Attorney Planning System" and its summary "nothing but mish-mash, confusion and utter gibberish."

Doug Cunningham, who replaced Gray Davis a few months later as head of OCJP, was in the thick of the controversy. A graduate of UC Davis law school and a registered Republican, he got involved in the OCJP free-for-all in late May, coordinating state efforts and dealing with nervous federal LEAA people, while the Governor kept talking about discontinuing the program. He also helped calm local officials who were incensed that the Governor might cut off a favored pork barrel. They were concerned because the federal funds were supplementing city and county budgets all over the state. Council members and supervisors saw police cars, patrol officers and large-scale capital projects flying out the window, and they were as unhappy as if someone had told them there would be no more freeways or dams in their regions.

When Brown signed the 1975-76 budget, he whacked the OCJP staff down to about 50 from over 200. But after this display of budget-trimming and jawboning over waste, Brown eased off. At a meeting of the statewide council, Brown stressed efficiency, not elimination of the program. He said the agency overhead had to be cut; more decision-making should take place at the local level; and funds should be concentrated on preventing juvenile delinquency and crime control.

Away from hardware

Now, three years later, some of Brown's goals have been coopted by the federal government. Because of budget cuts, most regional offices will lose much grant money. In a further economy move, the regional offices of LEAA, including the one in Burlingame, will be closed down this year. Ironically, these cuts are coming at a time when, at least in California, the program is starting to move away from exotic hardware and data collection systems toward its original purpose. At its meeting this year, the state CCCJ voted to make its top priority for the next three years a plan to "reduce major crime through community involvement programs." This is a clear reflection of Brown's interest in volunteerism and self-help programs, for most of the members of CCCJ are now Brown appointees, as is the head of the OCJP which acts as staff for the policy body. Brown holds 14 appointments to the 30-member council; the Legislature appoints 13 and three are filled by other state officials.

In addition Brown has appointed Santa Ana Police Chief Ray Davis (no relation to his top executive officer Gray Davis) to head CCCJ. (See "Jerry Brown's favorite cop," *CJ*, September 1977.) Chief Davis can be expected to focus much more attention at the state level — where grant policy is determined — on community involvement in the criminal justice system. From "Neighborhood Watch" programs to combat soaring burglary rates to volunteer programs in prisons

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and probation departments, Davis and the Governor will be pushing for citizen involvement in crime fighting. This will mark a major change from the hardware approach to capturing criminals. Brown and other top aides hope it also may help cut the increasing costs of manning the state crime system. In some ways Brown has plugged into a long-held belief of most police, judges and prosecutors: Unless citizens shed their apathy about crime in their own neighborhoods, no amount of helicopters, video cameras and patrolmen is going to dent the crime statistics.

A move to fund-matching

In the study prepared by the task force appointed by Bell, two major recommendations have been made. First, LEAA should become more focused in its objectives and practices. Secondly, LEAA should become a revenue-sharing type, direct-assistance program to local governments. Citing the fact that 87 percent of all criminal justice expenditures are at the local level and that "Washington alone does not have the answer to the nation's crime problem," the study calls for a switch to a matching-funds program, similar to those found in public works projects, freeway projects and other federal assistance programs.

This proposal frightens the life out of the entire OCJP hierarchy in California. Regional directors, whose jobs would be eliminated, are the most critical, closely followed by the state-level staff.

Governor Brown has supported the proposal for revenue-sharing with local government — a move consistent with his support of more local initiative. But a contradiction seems to be building: Now that his appointees control the state policy board, will his goals best be served by more decision-making at the local level? After all, a police car or communications system lasts — but an inmate job program often does not survive the mandatory three-year cutoff that accompanies all LEAA grant funding. This perpetuates the grantsmanship game, as played at city and county levels, because hardware acquisitions are a one-shot investment of federal dollars, but to continue "people" programs eventually requires local tax money.

The worst question you can ask anyone associated with LEAA is what effect the huge federal program has had on crime. Answers vary from "Measurement of crime is so crude that we can never really know how much crime would have risen if the program had not existed," to "It has had no effect."

Stanley Sachs, director of Region D, which covers the area from Sacramento to Lake Tahoe and north to Sierra county, says, "One of the problems in looking at this is that no one has adequately explained what Congress' intention was . . . Also, we're talking about less than two percent of the dollars devoted to the criminal justice system in this region. I'd be surprised if two percent can do what 98 percent of the crime dollars haven't done."

OCJP director Cunningham sees both successes and failures in the effect on crime: "The original premise was to get money poured into the fight against crime. The reality is, if you read the spending proposals, that it was designed to put money into the improvement of the criminal justice system. A lot of money was spent on communications, and it's true that cops can talk to each other better. If a cop pulls you over because you're suspicious, it takes far less less time to find out who you are than it once did.

"There is a substantial improvement by prosecutors, judges and public defenders to manage the court flow. A great deal of training has gone on. The period of LEAA has been a period of professionalism . . . And the development of citizen involvement in crime prevention has also occurred.

"The area where it really failed was in attempting to back the idea of comprehensive criminal justice planning. Planning is a tool for decision-making. The criminal justice system however, is deliberately fragmented and we have rather elaborate rules about the separation of powers. Clearly it was something of a hoax to feel that by having a consolidated group of planners for the whole criminal justice system, that you could in some way relate it to reality. Decisions are intended to be made by large groups of people . . . We don't want them under a single control.

"But the unintended success came in trying to get all these people in the same room. The success of the program is that it has achieved a lot of integrated coordination. It has set up systems where people who did not talk to each other now talk. It has fostered a system-wide sense of thinking."

In all the criticism of heavy hardware and massive computer systems, the critics may have missed the most threatening part of the LEAA program. Its underlying purpose was not to cut crime, but to consolidate the criminal justice system into one system, where funds spent on judges, probation, parole, attorneys, police and prisons all are coordinated and planned by one body. Even today, many LEAA veterans still talk of the goal of coordinating the entire criminal justice community. As one regional director said, "If we could start planning with that other 98 percent of the criminal justice money, we could really start having an impact on crime." But consolidation of the criminal justice system under one organization can only lead to further abuses — especially when that group currently has no visibility in the community and is almost unknown outside of the criminal justice community.

This is undoubtedly one of the reasons why Governor Brown favors the idea of changing the system to a more revenue-sharing type, grant-dispersal system. Local control means local visibility and local accountability. On the other hand it also could mean local abuse and provincialism in the use of the LEAA grants. It could mean a return to riot control gear, anti-personnel tanks and huge computer information systems.

The only thing which supporters and opponents of LEAA seem to agree on is that no matter how much is spent, crime is here to stay. Like disease and poverty, it is bound to foster social agencies to study it, attack it and finally, to live and flourish off it.

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Small is beautiful, except on the farm

By Leo Rennert

One week after Jimmy Carter's election, Jerry Brown told a visitor in the governor's office in Sacramento that he was determined to keep pressing Washington to deny federal irrigation water to big landowners. Brown had worked out an elaborate plan during the Ford Administration for strict enforcement of the 160-acre limit in the Westlands Water District in the San Joaquin Valley. He even made a rare appearance before a congressional committee to promote the idea that huge farms should not receive cheap water subsidized by taxpayers. But Ford's people were not in the mood to step on the toes of powerful agribusiness interests and quietly shelved the Brown plan. Now, a new administration was about to take office and Brown was eager to test the mettle of the man he had mauled in the late primaries.

"We will push just as hard with Carter as we did with Ford," Brown declared in November 1976, in renewing his commitment to the small-farm objective of federal reclamation law. However, a year later, after the Carter Administration had taken the first serious step in modern times to enforce the 160-acre limit, Brown derisively dismissed Interior Secretary Cecil Andrus' initiative as a "gradiose, ill-conceived" move. He unleashed his state agriculture director, Richard Rominger, to take issue with Andrus' regulations to force farmers to live on the land. The secretary, shocked by what he regarded as both a flip-flop and a double-cross by Brown, took off the gloves. He recalled that last spring, several Brown aides had asked him to put into effect ever tougher acreage limits. If Brown was switching to the side of big agribusiness, Andrus suggested the Governor should have the grace to let everyone know that he now was "on the side of money and not the people."

While both sides have made a belated effort to cool this most serious of all confrontations between Carter and Brown, the rift will not disappear easily. The episode has heightened the Carter camp's suspicions about Brown's intentions for 1980. The anger of Andrus and his associates is much more intense than press accounts have disclosed so far. On the Brown side, the hurt is almost equally strong among loyal aides who worked hard on the Governor's 1976 land-reform package and believed that his commitment was sincere. Now, they see themselves shunted aside, while Brown assigns the spotlight on this issue to Rominger, the growers' friend in his cabinet. "I guess Jerry is just out to win next year with 100 percent of the vote," remarked one disappointed Brown associate.

While the Governor tries to square his 1976 and 1977 pronouncements, a quick look at the record shows he might as well attempt to square the circle. A year ago, Brown still was championing the notion that "small is beautiful" — even on the farm — and had not yet begun his marked shift toward a more pro-business stance. The Governor may claim now that he only intended to apply his land-reform ideas to Westlands. But last year he told a Senate committee that he saw strict enforcement of acreage limits in Westlands as a "prototype of public policy." With Ford still in the White House, Brown wanted to make good the promise of the 1902 Reclamation Act to provide irrigation benefits to "settlers" — not to corporate "operators." This was a position entirely consistent with his small-is-beautiful preachments, now riddled with loopholes.

To grasp fully the distance Brown has traveled in just one year and the consequent shock his anti-Andrus stance has triggered in the Carter Administration, it is instructive to recall the Governor's 1976 Senate testimony: "If we are going to maintain and enhance the family farmer, we have to respond not only to the needs of those who have high-priced attorneys, those who can afford the trips to Washington, those whose voices are heard in the high councils of government and corporate wealth, but we have to hear the voices of people who are willing to give their labor as well as their surplus capital."

Brown's turnabout was coupled with a basic miscalculation about Carter's policies on the 160-acre question. The Governor thought Carter, like Ford, would dodge the issue and Brown thus would not have to convert his own rhetoric into action. When Andrus decided to take the 160-acre limit seriously, the whole equation changed.

Western agricultural interests now plan major court fights and a sustained lobbying effort on Capitol Hill to overturn the Andrus acreage-limitation regulations. A congressional showdown is certain next year over various bills designed to suspend or delay Andrus' move. California's two senators have taken predictable positions. Republican S. I. Hayakawa has lined up with the growers, while Democrat Alan Cranston — without in any way tipping his hand on substantive points — is trying to gain time in hopes some compromise still can be fashioned.

Brown promises to remain a lead player in this unfolding drama. Liberals who might be expected to back Andrus have been generally quiet. Given little support from the left, the Carter Administration will be forced to deal from even greater weakness if Brown holds to his new position.

From the days of the first settlers, land and water have been the west's bloodiest battlegrounds. From a historic perspective, the Brown-Andrus collision is but the latest skirmish in a long struggle for political and economic control of the region's basic resources. And the historic record is clear on at least one point: Any push for drastic change is bound to encounter fierce resistance. Nobody knows this better than J. Anthony Kline, Brown's legal affairs adviser and an architect of the governor's now-discarded Westlands land-reform plan. In the waning days of the Ford Administration, Kline wrote Undersecretary of the Interior Jack Horton that "novel ideas are too often automatically resisted by some of those in government who have grown comfortable with tradition. And this is as true on the state level as the federal." But little did he know then how prophetic those words would turn out to be about his own boss.

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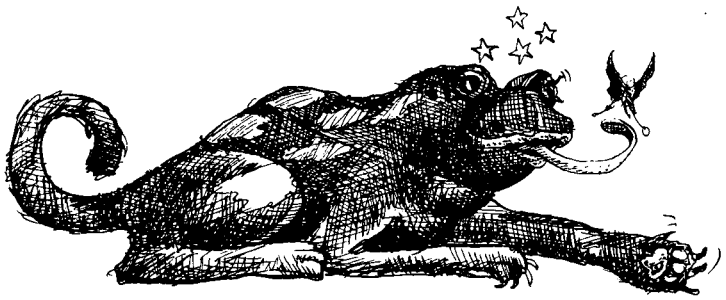

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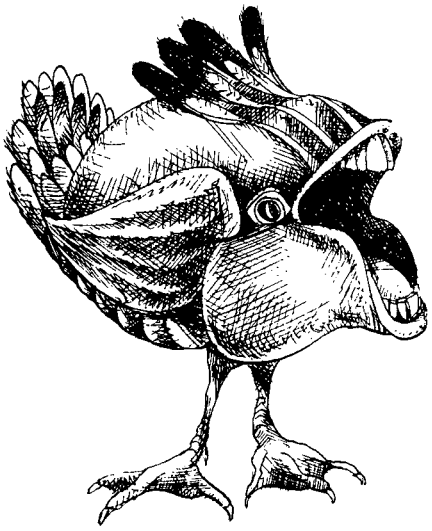

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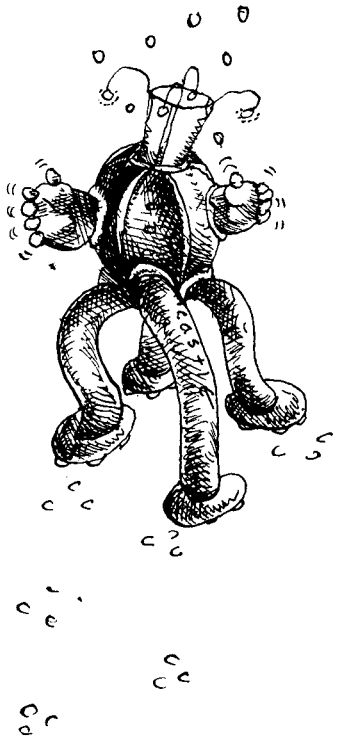

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